

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA) CAUSE NO. 3:04-CR-240-P
 (
vs.)
 (SEPTEMBER 23, 2008
) DALLAS, TEXAS
HOLY LAND FOUNDATION, ET AL (9:00 A.M.

VOLUME 7 OF 37

STATEMENT OF FACTS

BEFORE THE HONORABLE JORGE A. SOLIS
UNITED STATES DISTRICT JUDGE
and a jury

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INDEX

EXAMINATION

Witness Name	Page
MATTHEW LEVITT	
Direct By MR. JONAS	5
Cross By MR. CLINE	117
Cross By MS. HOLLANDER	132
Cross By MR. WESTFALL	185
Cross By MS. CADEDDU	196

Government's Exhibits

Government's Exhibits	Page
Pictures 7-14, 18-20	37
Demonstrative No. 13	55
Demonstrative No. 14	57
Designation 2	111
Designation 4	113
Designation No. 5	114
Federal Register	116

Defense Exhibits

Defense Exhibits	Page
No. 963	120
No. 1052	127
No. 1013	154
No. 910	162
No. 1110	164
No. 87	172

1 THE COURT: Good morning. Let's take up the issue
2 of scheduling for tomorrow.

3 The services are in the afternoon, and my thinking was we
4 will work until about 1:00, start at 9:00, and rather than
5 take a lunch break and come back for an hour, we could only
6 work an hour, and so we will work until 1:00 and break for the
7 afternoon. That is my plan. You can think about it and we
8 can discuss it.

9 MR. CLINE: That is fine over here, Your Honor.

10 MR. JONAS: Your Honor, we have a witness that has
11 giving us a very small window and is scheduled to come in
12 tomorrow and land before noon. We were going to put him on
13 the stand after that. He will probably be an hour on direct,
14 and I don't know how long on cross.

15 THE COURT: I can do that, but the problem is we are
16 going to leave at a certain time. All I can give you is that
17 one hour.

18 MR. JONAS: What is the latest we could possibly
19 get, if we needed it?

20 THE COURT: We probably could come back about 1:30
21 and come back until 2:30.

22 MR. JONAS: If possible, if we do this, and we will
23 need to check with the witness and get back to the Court, but
24 if we can shift the lunch hour so we can go earlier and we can
25 get this witness on the stand hopefully by 12:45, if we can

1 try that. But we will let the Court know. And if not, the
2 1:00 schedule is fine with us.

3 THE COURT: Well, just get back with me before the
4 end of the day. Obviously we can work this out any time until
5 tomorrow and see what the schedule is going to be. But it is
6 going to be limited, what we can do. But I will certainly
7 work with you.

8 MR. CLINE: Your Honor, And if the Government needs
9 to take somebody out of order, that will be fine.

10 MR. JONAS: In is a very busy individual, and trying
11 to find a time for him is individual.

12 THE COURT: Are we ready for the jury, then?

13 MR. JONAS: Yes, sir.

14 THE COURT: Bring the jury in.

15 (Whereupon, the jury entered the courtroom.)

16 THE COURT: Ladies and gentlemen of the jury, good
17 morning. We are ready to proceed.

18 I see you came prepared today and have your sweaters on.
19 I know some of you were complaining it was a little cool
20 yesterday.

21 We are ready to proceed.

22 Mr. Jonas.

23 MR. JONAS: Thank you, sir.

24 Q. (BY MR. JONAS) Good morning, Doctor Levitt.

25 A. Good morning.

1 Q. Yesterday we finished the day talking about the Hamas
2 charter, and in the charter, if you recall, there is a section
3 about peace initiatives and being a waste of time.

4 A. Correct.

5 Q. I want to talk to you this morning about something called
6 the Oslo Accords. Are you familiar with the Oslo Accords?

7 A. I am.

8 Q. What are they?

9 A. Oslo Accords refers to a specific peace process, the
10 major push in the peace process, inaugurated in 1993, and then
11 a declaration of principles, ideas that would lead this peace
12 process forward, were signed on the White House lawn. It was
13 premised on a two-state solution; again, a compromise that
14 would lead to a state of Israel alongside a state of Palestine
15 which would be located in the Gaza strip and the West Bank.

16 It was negotiated between the state of Israel and the
17 Palestine Liberation Organization, the PLO. And it was a
18 surprise to everybody. It was done in secret, secret
19 negotiations in Oslo, the capital of Norway, thus the title.

20 Q. You are saying it ended with something on the White House
21 lawn. And you also said that it was in secret between the
22 Israelis and the PLO. First of all, why the PLO? Why was the
23 PLO representing the Palestinian people?

24 A. As we said yesterday, since 1974 the PLO was given the
25 position of being the sole legitimate representative of the

1 Palestinian people. They certainly were still at the time the
2 most dominant faction within the Palestinian nationalist
3 movement, and there were other negotiations being conducted at
4 the same time in Washington at the State Department where
5 Palestinians were part of a Jordanian delegation, local
6 Palestinians in the West Bank and Gaza. And that wasn't
7 making much progress.

8 Simultaneously, without the knowledge of the United
9 States, even while those negotiations were going on in
10 Washington, these secret negotiations at a very high level
11 between very senior Israelis and very senior Palestinians were
12 taking place in Oslo.

13 Q. You mentioned that the PLO was designated as a
14 representative of the Palestinian people. Who designated them
15 as such?

16 A. This was at the Arab League Rabat Conference in 1974.

17 Q. You mentioned that yesterday, but what is the Arab
18 League?

19 A. This is a representative body of leaders of Arab
20 countries, and so it is -- It was really more of a formality,
21 but it was the voice of the Arab world putting this
22 responsibility and authority on the shoulders of the Palestine
23 Liberation Organization.

24 Q. You stated that there were negotiations going on in
25 Washington simultaneous to the Oslo negotiations in Norway.

1 Did the United States have any part at all in those Oslo
2 negotiations?

3 A. None at all; completely unaware and surprised.

4 Q. Did there come a time when those Oslo negotiations became
5 public?

6 A. Yes.

7 Q. When was that?

8 A. In late 1993, and then they were signed in a ceremony on
9 the White House lawn with the famous handshake between then
10 Israeli Prime Minister Rabin and Yasser Arafat at the White
11 House.

12 Q. Why did the United States get involved at that point?

13 A. The parties wanted the United States involvement. They
14 wanted international legitimacy and backing for this process.
15 They felt and recognized that a process like this would need
16 major world powers, in particular the United States, to help
17 push it along, and to push both parties to do what they had
18 agreed to do.

19 Q. What did the Oslo agreements call for?

20 A. Well, it called for recognition, mutual recognition,
21 Israel would recognize the Palestinian Liberation Organization
22 and the right of the Palestinian people to an independent
23 state. The Palestine Liberation Organization would recognize
24 Israel and the legitimacy of Israel and Israel's right to
25 exist. And they agreed to pursue a negotiated compromised

1 settlement to this conflict through negotiation, and agreed to
2 cease violence.

3 Q. Did it call for the Palestinian people to have their own
4 legislative body or own governing body over West Bank and
5 Gaza?

6 A. As this process developed, they negotiated a whole bunch
7 of things. One of the things that they agreed upon was that
8 there would be a Palestinian Authority. It was not yet really
9 a government, but even before the creation of the Palestinian
10 state there would be a Palestinian Authority, and that it
11 would have elections, among other things, for the Palestinian
12 legislative council, for a parliament or a congress.

13 Q. And did the Palestinian Authority come into being?

14 A. It did.

15 Q. Which group or party dominated the Palestinian Authority?

16 A. Yasser Arafat's Fatah party dominated.

17 Q. And again, Fatah is part of the PLO?

18 A. Correct.

19 Q. You mentioned yesterday that Hamas more recently in the
20 past several years won the elections. Would that be the
21 elections for the Palestinian Authority?

22 A. Yes.

23 Q. Elaborate on that just a little bit.

24 A. Elections were held in January 2006. It was the first
25 election, national election that is, in which Hamas agreed to

1 participate. And they did better than any other party in that
2 election, and, therefore, were given the -- earned the
3 authority to put together a government, which they did.

4 The government, Hamas government, lasted only about a
5 year, and in February 2007, after a lot of internal
6 Palestinian conflict, an agreement was reached brokered by the
7 Saudis for what they called a National Unity Government. It
8 would be Hamas led, but it would include other parties; in
9 particular the Fatah party, but other groups as well.

10 That only lasted for less than six months, and in June of that
11 year, in June of 2007, after again a significant amount of
12 conflict, including violent conflict within the Palestinian
13 community, Hamas turned its guns on Fatah in Gaza and
14 violently, militarily took over the Gaza Strip

15 Q. What is the state of the Palestinian Authority today?

16 A. Divided. Hamas is the de facto government in Gaza, not
17 recognized by anyone at this point, but the Palestinian
18 Authority is only in control of the West Bank, and so you have
19 this split situation.

20 Q. Okay. In the '90s after the Oslo Accords, was it split
21 like this?

22 A. No.

23 Q. Palestinian Authority controlled West Bank and Gaza?

24 A. Correct.

25 Q. How did it interact with the Israeli government? Because

1 during that time period -- Withdrawn. In the '90s, up until
2 this 2005 election you refer to when you referred to yesterday
3 the Israelis withdrew from Gaza, through the '90s up until
4 that point, how did the Palestinian Authority interact with
5 the Israelis who were occupying the West Bank and Gaza?

6 A. There are really two periods that we have to break down
7 within the period you laid out from the early '90s through
8 2005.

9 The Oslo process was supposed to take five years. The
10 idea was for a Palestinian state to come into being within
11 five years. The negotiations went forward, fits and starts,
12 but the Palestinian Authority did take over control of almost
13 all of the Gaza Strip and also very, very large segments of
14 the West Bank, including all of the major towns and cities.

15 The peace process did not conclude on time, however. In
16 fact it has still not concluded, there were too many outlying
17 issues, including Israel's feeling that the Palestinian
18 Authority wasn't cracking down on terrorist groups like Hamas
19 that were still conducting attacks, and the Palestinians'
20 concern that the Israelis weren't removing Israeli
21 settlements, communities in the West Bank from the West Bank,
22 as well as the bigger issues of how to divide Jerusalem, et
23 cetera.

24 That went on until September 2000. In September 2000, in
25 the waning days of the Clinton administration, the United

1 States and its international partners, but primarily the
2 United States, decided to try and give one last significant
3 diplomatic push to this peace process at the very highest
4 level. President Clinton was personally involved in the
5 negotiations, which is practically unheard of. This was at
6 Camp David again, like the Israeli-Egyptian peace treaty in
7 1979 was at Camp David. And after a marathon set of
8 negotiations over about two weeks they ended without agreement
9 again.

10 At that time Palestinians started engaging in violence
11 again, at first small scale violence like the Intifada we
12 discussed yesterday--in fact, it was called a second
13 Intifada--but very quickly it escalated into extreme violence
14 and violence that was supported by the Palestinian Authority.

15 So from 2000 for the next, really three or four years,
16 there was a very, very sharp period of increased violence, by
17 Hamas more than anybody else, but it was supported by the
18 Palestinian Authority as well.

19 Q. I want to go back to the beginning of the Oslo Accords in
20 '93 when the negotiations were going on. What role did Hamas
21 play in those negotiations?

22 A. It played the role of spoiler. In other words, it didn't
23 play a role. It was 100 percent against it and sought to
24 undermine it.

25 Q. What did Hamas do in response to the Oslo Accords?

1 A. It conducted attacks. Some of these attacks would be
2 timed to specific events, like the visit of a Secretary of
3 State. Madeleine Albright at the time, for example, visited
4 once, and Hamas conducted an attack right then.

5 Hamas would frequently conduct attacks, for example, when
6 the Palestinian Authority would be about to conclude an
7 agreement with Israel for the release of Palestinian prisoners
8 from Israeli jails, Hamas would conduct, for example, a
9 kidnapping to try and frustrate that progress on the peace
10 process.

11 But they also redoubled their efforts to build grassroots
12 support for their movement and for their agenda, not only
13 through militant activities but through social welfare
14 activities, specifically targeting their followers and people
15 who could become their followers, as well as political
16 activity. At that time they were not engaging in national
17 level politics, elections, but they were very active on
18 student campuses and in professional unions or syndicates for
19 teachers or lawyers, for example.

20 Q. I want to talk about something you mentioned, the timing
21 of some of the attacks. What is the purpose of timing an
22 attack to a particular event connected to the Oslo Accords.

23 A. The entire premise of a peace process is that it will
24 provide dividends. For the Palestinians those dividends were
25 primarily independence, and on the way to independence

1 self-rule, control over their territory and their lives and
2 their destiny. From the Israeli perspective, it was security.

3 And neither leadership, neither Israeli nor Palestinian
4 leadership, found it easy to continue the peace process if the
5 whole premise of the peace process was challenged. So, for
6 example, an Israeli leader would have a very difficult time
7 convincing the Israeli public to support the peace process
8 when Palestinians are continuing to attack.

9 Q. You mentioned that negotiations are still going on today?

10 A. Correct.

11 Q. The fact that it is taking so long and hasn't yet been
12 successful, were the Hamas attacks -- did they play any role
13 in that?

14 A. I think they played the primary role in that; not the
15 only one, to be sure, nor are they the only group that is
16 playing this type of a spoiler role. They are just the most
17 dominant. But making a peace process a non-peaceful process,
18 challenging the peace process through violence at every turn,
19 has been the single most significant obstacle to securing
20 peace and an independence day for Palestinians.

21 Q. You say there are other groups that played spoiler. Were
22 any Israeli, Jewish groups?

23 A. Yes.

24 Q. Could you give an example?

25 A. Well, first of all, there are radical Israelis, mostly

1 settlers, settlers meaning people who live in the West Bank or
2 Gaza and have moved into communities that they have settled
3 there. Not all of them are radical, but some are, and they do
4 things like small scale attacks--stonings or shootings that
5 are not connected to a group, but are violent nonetheless and
6 unacceptable.

7 And there are two known Jewish terrorist groups that have
8 been designated by the United States, they have been outlawed
9 by Israel Kach, K-A-C-H, and an associated group Kanhana Chai
10 K-A-H-A-N-A C-H-A-I, that have both conducted terrorist
11 attacks equally reprehensible against Palestinians.

12 Q. You say that the Israeli government -- What action has
13 the Israeli government taken against the Israeli extremist
14 groups?

15 A. They have banned them from political activity, outlawed
16 them. They are very vigilant in arresting these individuals.
17 In fact, they are frequently challenged in Israeli courts for
18 harassing them, trying to keep them under control. There is
19 an entire part of the Israeli security establishment dedicated
20 solely to dealing with Jewish extremists.

21 Q. Were there groups opposed to Oslo that responded in
22 peaceful ways?

23 A. Yes.

24 Q. How so?

25 A. Not everybody agreed with the Oslo Accords. The Oslo

1 Accords arguably were very flawed, and they might not -- By
2 many people's perception they were not sufficiently fair to
3 the Palestinian side. By many people's perception they were
4 not sufficiently fair to Israeli side. And there were many
5 people on both sides who opposed, not necessarily the idea of
6 peace or a two-state solution, but opposed this particular
7 proposed solution. And they did so through peaceful means.

8 Edward Said, recently passed away, was a renowned
9 professor at Columbia, and was very much against the Oslo
10 peace process but was never a proponent of violence.

11 And there were people on the pro-Israel side as well.

12 Q. When the Oslo Accords came out, were there polls take of
13 the Palestinian people to gauge their support, or lack of
14 support, for the Accords?

15 A. There were.

16 Q. And what were the result of those polls?

17 A. The polls showed that people within the Palestinian
18 territories desperately wanted a peace accord. They wanted to
19 move on with their lives.

20 Polls were taken on both the Israeli and the Palestinian
21 sides, and they are not constant of course. Events shape
22 people's perceptions. And the polls also indicated that after
23 attacks by Hamas, for example, support would wane.

24 Q. When you say support would wane, support by whom?

25 A. Support by usually both sides, but when the Palestinian

1 attack happened it certainly had a huge impact on the support
2 among the Israeli public for a peace process that was not
3 putting an end to Palestinian terrorism.

4 When an Israeli attack happened, or when Israeli
5 settlement activity happened, or when Israel failed to meet a
6 deadline to do one of its things, support among Palestinians
7 waned. And there were missed deadlines on both sides more
8 often than not.

9 Q. I want to turn your attention now to the founders and
10 leaders of Hamas. Have you studied some of these people?

11 A. I have.

12 Q. And in studying them have you seen pictures of them?

13 A. I have.

14 Q. Did you review a chart for testimony today of some of
15 these leaders that has their pictures and their names on it?

16 A. I did.

17 Q. And if you can look at what has been marked as
18 Demonstrative No. 17 that should be in front of you, do you
19 see that?

20 A. Yes.

21 Q. What is that document?

22 A. This is a PowerPoint depicting Hamas leaders in the
23 1990s.

24 MR. JONAS: Your Honor, at this time I would offer
25 as a demonstrative exhibit Demonstrative No. 17.

1 MR. CLINE: No objection, as a demonstrative.

2 THE COURT: Admitted.

3 MR. JONAS: Your Honor, may I approach?

4 THE COURT: Yes, sir.

5 Q. (BY MR. JONAS) Doctor Levitt, let me show you what has
6 been marked as Demonstrative No. 17-1. Is this an enlargement
7 of the exhibit before you?

8 A. Yes, it is.

9 MR. JONAS: For the record, we have it on the video
10 screen as well?

11 Q. (BY MR. JONAS) Doctor Levitt, can you -- starting with
12 the top, the top picture in the center, it says Sheikh Ahmed
13 Yassin, spiritual leader and founder, Gaza. You mentioned
14 that name yesterday. Could you elaborate more as to who this
15 individual is?

16 A. Sheikh Ahmed Yassin is one of the original founders of
17 Hamas and is often described as its spiritual leader. He was
18 a senior leader in the Palestinian Muslim Brotherhood in the
19 Gaza Strip, and after studying in Egypt returned to Gaza where
20 he founded, with several other Hamas leaders, the Islamic
21 Center and the Islamic Society, those two main Hamas social
22 welfare institutions in the Gaza Strip that we mentioned
23 yesterday.

24 Before -- While the Gaza Strip was still under Egypt's
25 control he was arrested by the Egyptians in the 1960s. He was

1 arrested later by the Israelis in the early 1980s, I think it
2 was '83, for his role in weapons procurement efforts for
3 Hamas. This is before Hamas was operating under that name.
4 That only happened in 1987.

5 He was then released in a prisoner exchange, but was
6 arrested again in 1989 for his role in the kidnapping and
7 murder of -- two separate kidnappings and murders of two
8 Israeli soldiers.

9 This is a kind of a leadership involvement. He was a
10 paraplegic in a wheelchair, so no one was saying he went out
11 and did this himself. But Khalid Mishal, the current leader
12 of Hamas, is on this chart, and he has been very open about
13 Sheikh Yassin was a major proponent of Hamas' military
14 activity, alongside political and social welfare activity.

15 He was in jail until the 1990s when he was released again
16 by Israel.

17 Q. Was Sheikh Yassin involved in the Palestinian branch of
18 the Muslim Brotherhood prior to Hamas being formed?

19 A. He is often described of the leader of the Palestinian
20 Muslim Brotherhood in the Gaza Strip, and, therefore, it is
21 not surprising that he became the leader of Hamas in the Gaza
22 Strip once the Palestinian Muslim Brotherhood started acting
23 under the name of Hamas.

24 MS. HOLLANDER: Your Honor, may we approach?

25 THE COURT: Sure.

1 (The following was had outside the hearing of the
2 jury.)

3 MS. HOLLANDER: I am sorry to interrupt, but this
4 chart has changed, and there is -- Where there was a picture
5 of -- Why is his name there and not a picture.

6 MR. JONAS: Because he cannot identify Jamal, but he
7 can talk about it.

8 MS. HOLLANDER: He shouldn't be on the chart with a
9 blank picture of him.

10 THE COURT: I didn't think was a big deal, frankly.

11 MR. JONAS: He is going to say, "I know who he is,"
12 and talk about it.

13 MS. HOLLANDER: He is my client's brother.

14 THE COURT: I don't know what is going to come out
15 about it, but whether a picture is on a chart or not is not a
16 big deal.

17 MS. HOLLANDER: We have never seen that before, so
18 it was kind of a shock. We don't have this.

19 MR. JONAS: I am sorry, Your Honor. If you want to
20 stipulate to his picture, we can substitute it.

21 MS. HOLLANDER: No.

22 THE COURT: They said they haven't seen this before.

23 MS. HOLLANDER: I have never seen this version. We
24 have only seen a version they had with the picture.

25 THE COURT: All right.

1 (The following was had in the presence and hearing
2 of the jury.)

3 Q. (BY MR. JONAS) Doctor Levitt, before we move on, I
4 should have asked you, are these all the Hamas leaders in the
5 '90s?

6 A. No.

7 Q. Just some of them?

8 A. Just some of them.

9 Q. Okay. You see how there is three on the top in green and
10 then there is nine below them in the orange. Does that sort
11 of represent higher leadership by the top three in the green?

12 A. Yes. And there are additional leaders in both the higher
13 leadership hierarchy and the lower. This is just a very few
14 of them.

15 Q. And the ones that are in the orange, the fact that there
16 is a row of five above a row of four, does that mean that
17 those five are higher in their role than the ones below them
18 in terms of hierarchy in Hamas?

19 A. To some extent. It is a little bit -- It is not exactly
20 hierarchical in that lower.

21 Q. Getting back to Sheikh Yassin, you mentioned he was
22 arrested by the Israelis in the '90s, I believe, and then he
23 was released. Why was he released?

24 A. Israeli agents had tried to poison Khalid Mishal, who is
25 to his left on this chart, in Jordan, and those agents were

1 caught. The king of Jordan, at the time King Hussein, was
2 obviously infuriated that this operation was carried out and
3 was carried out on his territory, and insisted that the
4 Israelis first and immediately provide the antidote to save
5 Khalid Mishal's life, which they did; and second, release
6 Sheikh Ahmed Yassin, the leader and spiritual leader of Hamas,
7 or else, the King said, he would break off diplomatic
8 relations and end the peace deal that had been signed between
9 Israel and Jordan just a few years earlier.

10 And so both those things happened--the antidote was
11 provided, Sheikh Ahmed Yassin was released, and that is how he
12 was released the last time.

13 Q. Is Sheikh Yassin alive today?

14 A. No. He was assassinated in 2004.

15 Q. Let's move on to Khalid Mishal, since you mentioned his
16 name already, the individual to the left of Sheikh Yassin on
17 the chart. Who is he?

18 A. Khalid Mishal today is the leader of Hamas. He is the
19 head of the shura council or the consultative council for
20 Hamas, senior most leader on the political echelon of Hamas,
21 which if you recall that triangle yesterday, is the decision
22 making body not only for the political activity but for the
23 social welfare activity and for the military activity.

24 He has been designated a terrorist by the United States
25 government, which produced information at the time about his

1 direct and personal role in military attacks and about the use
2 of his personal bank account to take money raised for charity
3 and provide it to military operatives.

4 Q. It says underneath his picture Jordan/Syria. What does
5 that mean?

6 A. The headquarters of the Hamas leadership outside the West
7 Bank in Gaza was until 1999 in Jordan. Khalid Mishal had
8 grown up in Kuwait with that branch in Kuwait that we
9 discussed yesterday that had helped set up Hamas there.

10 After the first gulf war in 1990, the Palestinians were
11 kicked out because of Palestinian support for Saddam Hussein
12 at the time. And he went to Jordan in 1990.

13 He was there until 1999, when the Jordanian government
14 deported him, first arrested him, then deported him, raided,
15 seized, and shut down the Hamas offices in Jordan, charging
16 these Hamas leaders and the Hamas offices with engaging in
17 military activity out of those offices, and kicked them out of
18 the country.

19 Q. Speaking of the Hamas offices in Jordan, did they have an
20 office? Was it an office with the word Hamas on the door?
21 How was it set up?

22 A. There are several offices, but the main office that Hamas
23 operated out of was an office they shared with the Islamic
24 Action Front. This is the political wing of the Muslim
25 Brotherhood in Jordan that we described yesterday. And so,

1 for example, you would have communiques with the Hamas logo on
2 it and the phone number for the Islamic Action Front office on
3 it.

4 Q. And is the Islamic Action Front an ally of Hamas?

5 A. It is.

6 Q. Where did they, the Hamas leadership, including Mishal in
7 particular, go to after they were kicked out of Jordan?

8 A. They went to Damascus, Syria where they continue to
9 reside today, though Khalid Mishal is believed to be splitting
10 his time over the last few years between Damascus, Syria and
11 Doha, Qatar in the Gulf.

12 Q. You mentioned earlier yesterday that Hamas leaders give
13 interviews, and I believe you referred to an interview by
14 Khalid Mishal. Without getting into the substance of the
15 interview, did you find that interview to be useful in your
16 studies?

17 A. Yes.

18 Q. Why?

19 A. Who am I to disagree with the leader of Hamas on how
20 Hamas was founded and what its objectives are?

21 Q. When did Khalid Mishal become the leader of Hamas?

22 A. Khalid Mishal was the deputy chief until 1996. He became
23 the de facto chief in 1995. Until then, the individual on the
24 right hand side in the top green/gray area, Mousa Abu Marzook,
25 had been the head of the political bureau of Hamas. And in

1 1995, after he was arrested by Immigration agents in the
2 United States, that swapped and Marzook became the deputy,
3 Khalid Mishal became the head. And that was formalized a few
4 months in 1996 when Hamas held internal elections and Khalid
5 Mishal became the official head of the political.

6 Q. Is that their current roles today with Khalid Mishal as
7 the head and Mousa Abu Marzook as his deputy?

8 A. Yes.

9 Q. Let's talk about Marzook. He is on the right of the
10 Sheikh Yassin. It says Jordan/Syria under his name. Can you
11 explain that?

12 A. Mousa Abu Marzook spent many, many years in the United
13 States; went to school in Louisiana and then lived for many
14 years in Virginia. And after Sheikh Yassin in the Gaza Strip
15 was jailed in 1989, Mousa Abu Marzook from here in the United
16 States became the head of Hamas, overseeing Hamas' political,
17 charitable, and political from Virginia.

18 That continued until 1995. Mousa Abu Marzook and his
19 family had gone back to Jordan, presumably to visit family,
20 came back and were detained by Immigration officers at JFK
21 Airport in New York. He was detained for a long time and
22 ultimately deported from the United States back to Jordan.

23 And then in 1999 when the Hamas offices were shut, he,
24 too, was deported, and is now residing in Damascus, Syria with
25 Khalid Mishal where their offices are located.

1 Q. Has Mousa Abu Marzook also been designated as a terrorist
2 by the United States?

3 A. He was.

4 Q. Is that back -- When was that?

5 A. I forget the year.

6 Q. Okay. You said he was in the United States -- I am
7 sorry. You said he was a student in Louisiana?

8 A. That is right.

9 Q. Do you remember the time period of that?

10 A. About -- Early '80s, '82, '83, through his deportation in
11 '95.

12 Q. That is when he lived in the United States?

13 A. Correct.

14 Q. I meant do you remember when he went from Louisiana to
15 Virginia? If you remember.

16 A. No. I think it was in the late '80s, but he started, he
17 came in the early '80s.

18 Q. Moving now to the pictures in the orange, and just
19 starting on the top row on the left there is an individual
20 named Mohammed Siam. Who is he?

21 A. Mohammed Siam was a professor in Kuwait in the 1980s when
22 Khalid Mishal and others were involved in the founding of
23 Hamas. He became Hamas' representative, or ambassador as they
24 would call him, first to the Sudan and then to Yemen, and then
25 afterwards continued as kind of a roving ambassador for Hamas,

1 visiting Arab countries, visited the United States, lecturing
2 and raising money on behalf of Hamas. He is believed today to
3 still be living in Yemen.

4 Q. You said roving ambassador. That implies some sort of
5 governmental position. Can you explain that?

6 A. Hamas would see itself as a government. It would see
7 itself as, you know, a major institution, and would refer to
8 it as an ambassador. We might describe it as a
9 representative. There are very few countries with whom Hamas
10 has that kind of a formal relationship. And their
11 representatives are treated like ambassadors there.

12 Q. So we are clear, because you said a moment ago that Hamas
13 won the elections and now is the de facto government in Gaza.
14 Is he a roving ambassador for that government, or is this a
15 position he had prior to Hamas becoming the government of
16 Gaza?

17 A. This is a position he had prior and refers to his
18 representation of the Hamas movement, not any Hamas
19 government. Even when Hamas was in control of the whole
20 Palestinian Authority, these individuals were not the official
21 representatives or ambassadors for the Palestinian Authority.
22 They were the ambassadors or representatives for the Hamas
23 movement specifically.

24 Q. How far back are you able to say Mohammed Siam was a
25 representative of the Hamas movement?

1 A. Sometime in the early to mid 1990s.

2 Q. The next name to the right of Mohammed Siam does not have
3 a picture. It is named Jamal Abu Baker. Do you know why
4 there is no picture there?

5 A. I am not familiar with a picture of him. I am familiar
6 with him and his name, but I am not familiar with a picture.

7 Q. I am sorry. You said you are familiar with his name?

8 A. Yes.

9 Q. And just so we are clear, are you familiar with the
10 pictures of all these other individuals on this chart?

11 A. Correct, yes.

12 Q. And prior to putting this chart in front of you, did you
13 recognize these pictures?

14 A. Yes.

15 Q. You were shown them prior to testifying?

16 A. I confirmed when this trial was being put together that
17 you had the right people, yes.

18 Q. Okay. Explain to us who Jamal Abu Baker is.

19 A. Jamal Abu Baker or Jamal Issa Abu Baker, was Hamas
20 representative first to Sudan and now to Yemen. He was also
21 one of the individuals in Kuwait, according to one of the
22 Khalid Mishal interviews. Khalid Mishal says Jamal Issa Abu
23 Baker was in Kuwait with him when they were founding Hamas.

24 Q. Again, as a representative is that the official
25 government position, or is that a representative of the

1 movement?

2 A. This is a representative solely of the Hamas organization
3 or movement.

4 Q. Could you give us a time period when he was representing
5 Hamas in Sudan, roughly?

6 A. Late 1990s, and is now believed to be currently still in
7 Yemen.

8 Q. The next picture is an individual that I am going to
9 pronounce as Irbrahim Ghousheh, but I suspect you will correct
10 my pronunciation.

11 A. The GH is sometimes a rolling R, so Ibrahim Ghousheh.

12 Q. Who is he?

13 A. Ibrahim Ghousheh was the chief spokesman really for
14 Hamas, first in Jordan and then less so after the movement
15 moved to Syria. He is a Jordanian, and so after the offices,
16 the Hamas offices were closed in Jordan in 1999, he was
17 already getting old and frail, and appears to have struck a
18 deal with the Jordanian government that he could stay in
19 Jordan as long as he ceased his official public duties for
20 Hamas, and appears to have become much less of an official for
21 Hamas as of 1999.

22 Q. As an official spokesman, what does that mean?

23 A. He would give press conferences, press releases, claim
24 responsibility for attacks, condemn Israeli policies, or
25 America, or what have you. But he would be one of, and not

1 the only one, but one of the chief spokespersons who would
2 appear in front of the media and present Hamas' position on
3 issues.

4 Q. The next picture is Abdel Aziz Rantisi, who is he?

5 A. Abdel Aziz al-Rantisi was very close to Sheikh Ahmed
6 Yassin in the Gaza Strip and helped found the Islamic Society
7 and the Islamic Center in Gaza. He was considered a political
8 leader but was extremely militant, and was designated and
9 publicly described as being very close to militant activity.

10 According to the U.S. government, one of the ways Khalid
11 Mishal kept tabs on military activity in the Gaza strip from
12 his office in Damascus was through Abdel Aziz al-Rantisi.

13 Abdel Aziz al-Rantisi was arrested several times by
14 Israelis or Palestinians. And in 1992 when Israel deported a
15 little over 400 extremists, mostly but not only Hamas, to
16 Lebanon, Abdel Aziz al-Rantisi was one of them and became
17 their spokesperson. This is when he developed a very public
18 persona for Hamas.

19 Ultimately after Sheikh Yassin was assassinated in 2004,
20 Abdel Aziz al-Rantisi became the leader of Hamas in Gaza,
21 until he too was assassinated just a few weeks later.

22 Q. Before we move on to the next picture, you talked about
23 the political leadership, Khalid Mishal and Mousa Abu Marzook
24 being now in Syria, before that Jordan. You talked about
25 Sheikh Yassin, and you have Abdel Aziz Rantisi being in Gaza.

1 A. Yes.

2 Q. What are the terms used by Hamas members to describe the
3 political leadership in Gaza and in now Syria?

4 A. These are the inside leaders and the outside leaders;
5 inside meaning within the territories, the occupied
6 territories, the West Bank and Gaza, and outside of them
7 primarily in Syria. And there are interlocking and parallel
8 structures. I mentioned that there is, for example, in Syria
9 a shura council that is a highest level political
10 decision-making body. There are local shura council in the
11 West Bank and Gaza. That is Hamas' basic organizational
12 structure.

13 Q. Who controls? In other words, which one calls the
14 shots--the outside leadership or the inside leadership?

15 A. The outside leadership is dominant. Certainly today when
16 Khalid Mishal is the recognized singular leader of the entire
17 Hamas movement that is the case, and even prior he was the
18 leader of the political committee, the highest level
19 decision-making body.

20 And then organizational issues aside, much like the way
21 the U.S. Congress affects power over the rest of the U.S.
22 government, the Hamas leadership in Damascus has a lot of say
23 over what happens within the organization because of their
24 control of the purse strings.

25 Q. Can you elaborate on this when you say control of the

1 purse strings?

2 A. Khalid Mishal and others in the political committee
3 oversee Hamas' international fundraising efforts. Not all
4 that money comes through their office in Damascus, not at all,
5 but they dictate how and where it comes and where it goes, and
6 that gives them a significant amount of say over Hamas'
7 overall activities.

8 Q. Moving on to the next picture, Mahmoud Zahar, who is he?

9 A. Mahmoud Zahar is a Hamas leader in Gaza; a particularly
10 militant leader, though overtly political leader; senior
11 enough that when Hamas came to power he became the Hamas
12 foreign minister, and is now a leader in Hamas in Gaza again.

13 Q. Moving to -- Before I move on, you say he became a
14 foreign minister. And as opposed to the roving ambassadors
15 that you have for Mohammed Siam, is that foreign ministership
16 a government position as opposed to a movement position?

17 A. When the Hamas led government came to power after the
18 January 2006 elections, that was foreign minister of the
19 entire Palestinian Authority.

20 After the collapse of that Palestinian Authority and the
21 split between the de facto Hamas led Gaza Strip and the more
22 moderate Palestinian Authority government in the West Bank, he
23 maintains his title as foreign minister for Hamas, but that is
24 just representing the Hamas movement in Gaza.

25 Q. Moving to the bottom line, the picture on the far left,

1 Imad al-Alami. Who is he?

2 A. Imad al-Alami is a member of the Hamas Political Bureau
3 currently believed to be in Syria. He is former Hamas
4 representative to Iran, also designated by the U.S.
5 government, which highlighted his role as kind of a supervisor
6 from Damascus of Hamas' military activity in the West Bank and
7 Gaza.

8 Q. You said also designated by the U.S. government. Do you
9 mean him individually?

10 A. Yes.

11 Q. When Hamas has a representative in a country like Iran,
12 what role does that representative play?

13 A. The role is one of presenting Hamas' position on issues,
14 but it is also one, especially in the case of Iran which has
15 long supported Hamas financially and militarily, to get money
16 and get military support; but also, as we read yesterday in
17 the Hamas charter, to try and build support for the movement
18 and its ideology at the expense of the two-state solution put
19 forward by the PLO in Arab and Muslim political, academic
20 circles.

21 Q. You have identified between Imad al-Alami and Jamal Abu
22 Baker three countries that Hamas had representatives
23 in--Sudan, Yemen, and Iran. Were there other countries that
24 Hamas had representatives in?

25 A. Obviously in Syria and also in Lebanon.

1 Q. How about Libya?

2 A. I don't know if they had an official representative in
3 Libya, and if they did--they may have--Libya now has moved
4 away from terrorism and is probably a less hospitable place to
5 Hamas today.

6 Q. The next picture is Ismail Haniya. Who is he?

7 A. Ismail Haniya is another long-time Hamas leader in Gaza,
8 close to Sheikh Ahmed Yassin, AbDel Aziz al-Rantisi, and
9 Mahmoud Zahar, and senior enough within the movement that when
10 they came to power he became the Palestinian Authority's prime
11 minister, and again maintains that title today, though not for
12 the whole Palestinian Authority, only for the de facto element
13 that is run by Hamas in Gaza.

14 Q. Next to him is a picture of a man named Jamil Hamami.
15 Who is he?

16 A. Jamil Hamami is a West Bank Hamas leader. He was very
17 vocal about the importance of the social welfare or civilian
18 infrastructure, organizations, and activities of Hamas and how
19 they benefit the political and military activities of Hamas.
20 As recently as 1995 he talked about this.

21 But then there was a break between him and Hamas leaders
22 in 1996. He had served as one of the primary Hamas spokesmen
23 for Hamas in the West Bank. But then in 1996, hamas leaders
24 issued statements saying that he no longer spoke for the
25 organization, and in 1996 drops he off the radar in terms of

1 Hamas activity.

2 Q. Did there come a point when the United States invited
3 Jamil Hamami to come here?

4 A. He was invited sometime after this break with Hamas to
5 come to the United States for an interfaith dialogue with
6 other Muslim, Christian, and Jewish leaders, which is a
7 particularly un-hamas thing to do. And it was kind of a
8 pseudo government thing. He was not meeting with government
9 people primarily, but it was a program that was facilitated,
10 might even been organized by the U.S. government, for these
11 exchange of ideas programs.

12 Q. Finally, the last picture is a man named Hamed Bitawi.
13 Who is he?

14 A. Hamed Bitawi is a senior Hamas leader in the West Bank,
15 described by Khalid Mishal as one of the next generation
16 leaders of Hamas; very involved in the zakat or charity
17 committees, and in the actual charities as well run by Hamas
18 in the West bank. In particular, he has been on the board of
19 the Nablus zakat committee and the associated al-Tadhoman
20 charity.

21 He is a cleric, and unfortunately has used that position
22 of authority to praise suicide bombers describing them, for
23 example, as angels sent from heaven.

24 Q. What is a cleric?

25 A. A religious leader.

1 Q. Do you have before you underneath the demonstrative
2 exhibit you are referring to a series of pictures?

3 A. I do.

4 Q. And if you could flip through those real quick. Are
5 those pictures the same pictures that are on this
6 demonstrative exhibit, Demonstrative No. 17?

7 A. They are.

8 MR. JONAS: Your Honor, I would like to offer into
9 evidence, not as a demonstrative but evidence, the pictures of
10 the individuals on this chart. And I can go through the name
11 and the exhibit number with Doctor Levitt.

12 THE COURT: What numbers are those?

13 Q. (BY MR. JONAS) Doctor Levitt, starting with what is
14 marked as picture 7, who is that?

15 A. This is Khalid Mishal.

16 Q. Okay. Picture No. 8?

17 A. Picture 8 is Mousa Abu Marzook.

18 Q. Picture 9?

19 A. Picture 9 is Sheikh Ahmed Yassin.

20 Q. Picture 10?

21 A. Picture 10 is Abdel Aziz al-Rantisi.

22 Q. And just so we are clear, those are the same pictures
23 that are on the board?

24 A. They are.

25 Q. Do the pictures you have, do they have more information

1 than their name?

2 A. This one does. Abdel Aziz al-Rantisi includes I guess
3 kind of a nickname, another name by which he is known, Abu
4 Mohammed.

5 Q. Besides that, does it say where they are from or their
6 role in Hamas?

7 A. No, just the name.

8 Q. What was the last picture I asked you about?

9 A. Rantisi, No. 10.

10 Q. Picture No. 11?

11 A. Mahmoud Zahar.

12 Q. Picture No. 12?

13 A. Jamil Hamami.

14 Q. Picture No. 13?

15 A. Ibrahim Ghousheh.

16 Q. Picture 14?

17 A. Mohamed Siam.

18 Q. I am going to skip a few numbers. Picture No. 18?

19 A. Ismael Haniya.

20 Q. Picture No. 19?

21 A. Imad al-Alami.

22 Q. Picture 20?

23 A. Hamed al-Bitawi.

24 MR. JONAS: Your Honor, I would offer into evidence
25 these series of pictures.

1 MR. CLINE: No objection.

2 THE COURT: Admitted.

3 Q. ?

4 MR. JONAS: Doctor Levitt, there are a few other
5 individuals I want to ask you about that are not on the chart,
6 whose names may surface during the course of trial.

7 Are you familiar with a man by the name of Ibrahim
8 al-Yazuri?

9 A. I am.

10 Q. Who is that?

11 A. Ibrahim al-Yazuri is a another of the founders of Hamas
12 in Gaza; together with Sheikh Yassin was instrumental in
13 founding the Islamic Society and the Islamic Center.

14 Q. How about a man named Akram Kharoubi?

15 A. Akram Kharoubi, who at one time was a professor at George
16 Washington University, was a Hamas operative in the West Bank,
17 worked for the HLF there, held meetings for Hamas in his
18 house, and couriered funds for Hamas as well.

19 Q. Man named Muin Shabib?

20 A. Muin Shabib is a West Bank Qassam Brigades, Hamas'
21 terrorist wing, operative; came to the United States and
22 briefed Hamas supporters here on the Hamas social welfare
23 organizations in the West Bank and Gaza, listing many of the
24 zakat committees, for example, and describing them as, quote,
25 our institutions.

1 Q. Mahmoud Ruhami?

2 A. Mahmoud Ruhami is another West Bank activist; also came
3 to the United States; briefed on members of the military wing
4 employed in social welfare organizations, which is one of the
5 benefits they provide, providing day jobs. He himself had a
6 day job in a Hamas medical clinic.

7 Q. Khari al-Agha?

8 A. Khari al-Agha is a Saudi businessman who has been
9 described as a financier for Hamas.

10 Q. And finally Abdullah Azzam?

11 A. Abdullah Azzam is a Palestinian and a kind of spiritual
12 figurehead that Hamas looks up to. He has been -- He fought
13 against the Soviets in the war in Afghanistan, and is seen by
14 Hamas as a figure to look up to.

15 Q. Is he still alive today?

16 A. He is not.

17 Q. What year did he die?

18 A. It was mid 1980s, maybe 1985.

19 Q. Doctor Levitt, yesterday we talked about the structure of
20 Hamas, and if you recall we had that triangle that you
21 referred to several times to today--political, military, and
22 social wing.

23 A. One second. I don't think it was 1985. I don't remember
24 the year. It must have been later than 1985.

25 Q. Okay.

1 A. I apologize.

2 Q. That is okay.

3 And for the record, you are talking about the death of
4 Abdullah Azzam.

5 A. Yes.

6 Q. Okay. We talked yesterday about that triangle that we
7 showed you, the diagram--political, military, social.

8 A. Yes.

9 Q. I want to get into more detail about these particular
10 wings of Hamas. I want to start with the military wing.

11 MR. JONAS: Your Honor, I am going to take this
12 down, if that is all right.

13 THE COURT: All right.

14 Q. (BY MR. JONAS) Does the military wing of Hamas have a
15 name?

16 A. It goes by the Izz el-Din al-Qassam Brigades or the
17 Qassam Brigades.

18 Q. Where did that name?

19 A. Izz el-Din al-Qassam is someone who fought the British,
20 and Jews at the time, decades earlier, and was looked up to as
21 an example of a Muslim fighter who was fighting for the
22 Palestinian homeland.

23 Q. You said decades earlier. Do you mean prior to the
24 creation of Hamas?

25 A. Correct.

1 Q. What exactly does the military wing do?

2 A. It is engaged in military activity. It conducts attacks.
3 It traditionally has also responsible for security for the
4 organization to try to prevent penetration by Israeli or other
5 intelligence services, but primarily it is engaged in acts of
6 violence.

7 Q. You say it conducts military activity, but is it an army
8 like we would think of normally?

9 A. No. And maybe I shouldn't be so diplomatic. This is the
10 terrorist wing of Hamas. It conducts attacks against Israeli
11 military targets. And that may not actually fit the technical
12 academic definition of terrorism. That might be actually
13 militia activity. It is still illegal. But most of Hamas'
14 attacks are intentionally targeting civilians with weapons
15 that are indiscriminate, meaning you can't target this person
16 or this person, you just go to a civilian area and, for
17 example, detonate a bomb that kills whoever it kills, and that
18 is the absolute definition of terrorism.

19 Q. Well, I asked you yesterday about the type of attack that
20 Hamas is most infamous for. What type of attack is that
21 again.

22 A. This is the suicide bombing.

23 Q. Have you studied suicide bombings?

24 A. I have.

25 Q. When did Hamas first start committing suicide bombings?

1 A. In the early 1990s.

2 Q. What type of person does Hamas get to become a suicide
3 bomber?

4 A. Someone who is willing to kill themselves in an effort to
5 kill others. There is no profile. There was a time early on
6 in the development of Hamas, in the very early 1990s, for
7 example, where the suicide bomber was primarily the young,
8 male, unmarried, no children, no family obligations.

9 That has changed. It has changed because of Hamas'
10 radicalization campaign. It has changed because Hamas has
11 successfully placed this into a religious context and made
12 this not only a praise-worthy act of faith, but one that is
13 the highest possible achievement. And it has changed because
14 the conflict has continued, and Hamas plays on the
15 disgruntlement, the suffering of people to make them carry out
16 suicide attacks. There are many people who suffer.

17 Let's be clear. A very, very, tiny minority displays
18 their frustration by conducting a suicide attack. Hamas'
19 success is finding those individuals, spotting them,
20 recruiting them, radicalizing them, and dispatching them.

21 Today there have been children, women, at least one
22 grandmother --

23 MR. DRATEL: What is the time frame, Your Honor?

24 THE WITNESS: Over the past five to ten years.

25 Q. (BY MR. JONAS) You said children, women, grandmothers.

1 Who are what?

2 A. Suicide bombers.

3 Q. Was it always -- Did they always go for any type of
4 person, or was there a time when they only went for men? And
5 I say went for. I mean recruit to become suicide bombers.

6 A. There was a time when they primarily targeted young
7 single men. They didn't have families holding them back, they
8 often didn't have steady jobs holding them back, and, frankly,
9 it was easier. You have people with no job, no place to go
10 during the day but a Hamas institution or a mosque, easily
11 spotted, ready for recruitment, and that was their modus
12 operandi.

13 Q. You say ready for recruitment. How did they go about
14 recruiting these people?

15 A. We talked about the social welfare wing is sometimes
16 referred to as the Dawa, which means to preach. And Hamas
17 develops its social welfare, its civilian institutions, and
18 uses them as a means, when they see people coming into these
19 institutions to spot people who might be sufficiently angry,
20 sufficiently religious, and extreme in their religion to be
21 amenable to approach or recruitment, and not only for a
22 suicide attack but for other types of activity on behalf of
23 Hamas.

24 Q. Such as?

25 A. Such as supporting the military wing, such as aiding or

1 sheltering fugitives, procuring explosive material or weapons,
2 funding the group's activities. Military activity requires an
3 infrastructure of logistical and financial supporters to carry
4 out an attack.

5 Q. Does the individual that they recruit have to share the
6 same ideology as Hamas--in other words the religious ideology?

7 A. They do.

8 Q. Does Hamas look for someone who is pure? And by pure I
9 mean not ill.

10 A. Yes.

11 Q. Have there been examples where people who have attempted
12 to suicide attacks but yet were not sent out because they were
13 not 100 percent healthy?

14 A. Yes.

15 Q. Can you give us an example?

16 A. The 2003 Hamas attack on the Park Hotel in Netanya over
17 the Jewish holiday of Passover, which killed almost 30 people
18 and wounded over 150, mostly holocaust survivors, was
19 originally intended to have two suicide bombers, one of whom
20 came down with the common cold and was, therefore, not
21 dispatched, because in Hamas' religious world view one needs
22 to be pure and committed. This has to be being done for the
23 right reasons, this act of suicide bombing; not because one is
24 sick, certainly not terminally ill, but even just the common
25 cold.

1 Q. It would seem that killing yourself would be a cure for
2 the common cold. Why is that an impediment to letting someone
3 become a suicide bomber?

4 A. Because say what you will about this, you know, act of
5 murder, Hamas puts it into a religious context and is serious
6 about that. And if they are going to be successful and
7 serious about making this a religious act, then it has to be
8 completely pure, not for self-interest, not otherwise.

9 Now, it has not always been the case. There have been
10 cases where they have played upon someone's circumstances to
11 pressure them into an attack. But in most cases, and this is
12 one example, if someone has even something as small as a
13 common cold, they will not deploy them.

14 Q. When Hamas deploys a suicide bomber, who chooses a
15 target?

16 A. Usually the specific military cell. The higher echelon
17 of Hamas will give a green light, "Now is a good time for
18 attacks." They might even say, "Here is a good place,
19 Jerusalem, Tel Aviv, this city, or this city," but the
20 operational decision is left to the cell and ultimately to the
21 suicide bomber. That is one of the great advantages of the
22 suicide bomber.

23 Q. Why?

24 A. Well, if you fire a missile or if you drop a bomb, you
25 release the weapon and then it is out of your control. That

1 is it. If you have a suicide bomber, that is a smart bomb.
2 That is a bomb that can change direction, see that there are
3 police, for example, at the place that was originally intended
4 to be targeted, and instead of targeting that cafe go to
5 another one down the street, or target the next bus that comes
6 by the first bus that came by was practically empty and you
7 wouldn't kill very many people. So often it is the suicide
8 bomber that will decide.

9 In the case we just discussed, the Park Hotel attack,
10 Hamas originally intended to target another location, but it
11 was the holiday of Passover and many Israeli Jews were not out
12 at cafes and in buses. And so the suicide bomber chose to go
13 and target a hotel that he knew, because he had worked in the
14 kitchen there years earlier, knowing that there would be
15 people celebrating the holiday in the hotel.

16 Q. When a suicide bomber goes out, do they try to
17 distinguish between civilians and military or between women
18 and men, children and adults?

19 A. In most cases no. There are some attacks that are
20 clearly targeting military, targeting a checkpoint or
21 something, but the vast majority of attacks, and in particular
22 the suicide bombing attacks, are not. Hamas tends to attack a
23 military checkpoint when they are operationally weak and
24 Israel's countermeasures are strong and they can't get into
25 Israel to target a cafe or a bus.

1 But by and large the Hamas suicide bombings are intended,
2 and specifically conceived and deployed to target civilian
3 targets, and so they have chosen cafes, pizzerias, buses,
4 enclosed locations where you can maximize damage. And when
5 that suicide bomber walks in there, that suicide bomber sees
6 families eating, people going to work. These are civilians.
7 And those are the people that he, or sometimes she, blows up.

8 Q. Has Hamas done anything to -- Withdrawn. How does a
9 suicide bomber blow themselves up? What are they doing?

10 A. They wear usually a vest that is sewn together with the
11 explosives sewn into it. Sometimes they will carry it in a
12 backpack or something like that. But in all cases there will
13 be a detonator switch that will be in their hand or on their
14 belt, easily accessible, and all they have to do is push a
15 button.

16 Q. Does Hamas do anything to the explosives to enhance the
17 impact?

18 A. Yes. The most significant thing is that the explosives
19 are covered and surrounded with metal objects, usually nuts
20 and bolts, sometimes marbles, because then when the device
21 explodes these shoot out like thousands of bullets, and most
22 of the injury -- Most of the death is by people who are close
23 to the explosion. Most of the injury, and much of the death
24 as well, is because of these fragments.

25 Q. Has Hamas done anything to the pieces of metal to even

1 enhance their lethality?

2 A. Well, they have tried. They have tried soaking these
3 pieces of metal in chemicals like cyanide to make them still
4 more lethal. Apparently they weren't very good chemists and
5 didn't realize that the force of the explosive blast
6 immediately disintegrated the chemicals. But they were pretty
7 deadly as they were.

8 Q. When a suicide bomber goes out and chooses a target, do
9 they choose targets exclusively visited by Israelis?

10 A. No, not at all.

11 Q. Do they choose targets that are known to be visited by
12 foreigners, including Americans?

13 A. Yes.

14 Q. Such as?

15 A. Hamas has targeted one of the cafeterias at the Hebrew
16 University in Jerusalem that is a main cafeteria for the
17 foreign students program. I think five Americans were killed
18 in that attack. Hamas targeted a bar called Mike's Place,
19 which is literally right next door to the U.S. Embassy in Tel
20 Aviv. And more than the symbolic location--I have been there
21 many times--is constantly full of foreigners, including U.S.
22 Embassy personnel. And Mike's Place was blown up in a Hamas
23 suicide bombing.

24 And again, when you target a bus or a cafe in a country
25 that has a large tourist population, a large diplomatic

1 population, you are going to kill -- You don't know who you
2 are going to kill, and apparently it doesn't matter. These
3 indiscriminate attacks are the very definition of terror; not
4 just in terms of who they are actually killing and wounding,
5 but literally terrorizing society so that people are afraid to
6 get on the bus to go to school or work, or to go into a
7 restaurant. Almost every restaurant in Israel today has a
8 guard outside its door.

9 Q. Are there guards outside other stores besides
10 restaurants?

11 A. Every mall, many, many stores. It is a booming industry.

12 Q. Do these guards doing anything to people going in?

13 A. They have metal detectors, I presume they are armed, and
14 it is like when you came into the building here.

15 Q. You mentioned that Hamas uses some women and children as
16 suicide bombers, or has done so. Do they use women and
17 children for other means as well? And I say they. I mean the
18 military activity, the terrorist activity.

19 A. Yes, far more often, because children and women are less
20 likely to be suspect, for example, couriering weapons through
21 a checkpoint. In Arab and Muslim society both, you know, the
22 woman is highly respected. Israel had to develop a group of
23 female soldiers that they would be able to take suspected
24 women into a separate location to be able to make sure that
25 they weren't, as has happened, couriering weapons or things

1 under their clothes. Children also, you would not necessarily
2 suspect a young child of couriering through a checkpoint
3 bullets or something like that, and that is why they have used
4 these populations.

5 Q. How is it -- you say they are couriers. Do they play any
6 other role in any of the terrorist attacks besides couriers?

7 A. Certainly. Frequently a woman will be used to either
8 deliver the explosive device to the suicide bomber, there will
9 be a point of departure and then that person will move on.
10 And in several cases Hamas has used women as kind of a cover
11 and a decoy, and so you will have someone dressed in a very
12 Western fashion hair uncovered and tight clothing to blend
13 into Western society, and will be walking maybe hand in hand
14 with the Hamas suicide bomber, which may not be the way they
15 would normally behave because of their religious convictions
16 but is okay because it is to facilitate a Hamas attack, and
17 this creates cover. It is like wearing a disguise. It makes
18 the suicide bomber less threatening. This isn't a suspicious
19 looking individual carrying a knapsack with wires out of it.
20 In one case it is a Western looking male carrying a guitar
21 case which had a weapon on it, a bomb in it, holding hands
22 with a woman with tight jeans and T-shirt.

23 Q. Do the suicide bombers dress up in ways other than
24 Western gash?

25 A. Yes, and not just suicide bombers. For kidnappings, for

1 example, as well, Hamas will often try to dress up like
2 Israelis, specifically religious or ultra orthodox Israelis.
3 So they have kind of, you know, the kippah on their head, the
4 head covering and the side curls, they will be wearing, you
5 know, the white shirt and dark suit, no tie. And in some
6 Hamas kidnappings they were determined to have been playing
7 Jewish music on the radio and had a Jewish Bible on the
8 dashboard.

9 Q. Does Hamas publicize these attacks?

10 A. Yes.

11 Q. How so?

12 A. We have talked about their spokespersons. We talked
13 yesterday about their websites. They will do so through their
14 own and other radio and television. One medium of preference
15 has been al-Manar, a satellite television station run by a
16 different terrorist group, Hezbollah, out of Lebanon, which
17 gets very broad coverage throughout the world. It is a
18 satellite station. And so they have claimed responsibility
19 for attacks there very frequently.

20 Q. What is the purpose of claiming responsibility for
21 attacks?

22 A. Hamas wants people to know that it is out there engaged
23 in what it describes as self-sacrifice on behalf of the
24 nation, willing to sacrifice themselves on behalf of the
25 nation. This type of action helps recruitment, it helps

1 fundraising, it helps the base of supporters it already has,
2 it moves its political base, and it helps in recruitment of
3 others, especially when it couches these activities in terms
4 of, "Look at how corrupt and ineffective the other Palestinian
5 leaders are. Meanwhile, we are willing to sacrifice our own
6 children on behalf of the nation."

7 Q. Is every Hamas attack successful?

8 A. No, a great many, and sometimes most, are not.

9 Q. How are they not successful?

10 A. Well, there are many what we call work accidents, these
11 are very volatile chemicals, TATP, for example, and so often
12 Hamas bomb makers will have accidents and explosives will go
13 off. Very frequently they can't get to the point where they
14 are trying to carry out the attack because of Palestinian
15 Authority security measures, Israeli security measures.
16 Israel has now built a system of barriers, sometimes fences,
17 sometimes walls. Hamas leaders have been very public about
18 how much more difficult that has made it for them to get into
19 Israel proper to conduct attacks.

20 Q. Does the public hear about every unsuccessful attack?

21 A. The public hears about very few of them.

22 Q. How does the military wing of Hamas obtain its weapons?

23 A. A variety of means. It procures weapons on the black
24 market, from organized criminal organizations, including
25 Jewish criminals who will sell to whoever. For many years

1 they would go into the Sinai desert and dig up old land mines
2 from past Arab-Israeli wars. They procure chemical
3 precursors, chemicals that can be combined to form bombs like
4 we experienced in Oklahoma City, for example, with just
5 basically fertilizer bombs. And they get support from other
6 terrorist groups and states like Iran and groups like
7 Hezbollah in fashioning those bombs and learning how to make
8 more sophisticated ones.

9 Q. Do they ever smuggle weapons in from Egypt?

10 A. Yes.

11 Q. How so?

12 A. Primarily through tunnels. There is, believe it or not,
13 a very sophisticated system of tunnels that are literally dug
14 by hand under the border between the Gaza Strip and Egypt, the
15 Sinai Desert. People have been killed when these tunnels
16 collapse on them sometimes. They are not always very
17 structurally sound. Often they are very structurally sound,
18 and Egyptian authorities and Israeli authorities both have
19 uncovered tunnels that even had train tracks in them to be
20 able to put heavy things and move them around.

21 Sometimes when these tunnels are discovered they are
22 destroyed. That is very difficult. Usually what happens is
23 the entrance, usually the entrance is in the middle of a
24 house. They will dig it literally up into the floor and cover
25 it with a carpet. On both sides of the border you close the

1 entrance to the tunnel, the tunnel still exists, so they just
2 have to dig another beginning and hook up with the existing
3 tunnel.

4 In a couple of cases Israeli and Egyptian authorities got
5 together and poured cement into the tunnel, and Hamas got
6 cement drilling equipment and drilled through the cement, it
7 took them longer, but at the end of the day they had a
8 fortified, much, much safer cement-lined tunnel at their
9 disposal.

10 Q. What do the Israeli authority do to the houses that cover
11 the tunnels?

12 A. Very often they will blow them up or bulldoze them down
13 to expose that land so that the tunnels cannot be rebuilt.

14 Q. Talking about suicide attacks, have you seen pictures of
15 the aftermath of a suicide attack?

16 A. Too many.

17 Q. Do you see before you -- in front of you Demonstrative
18 13?

19 A. Yes.

20 Q. And what is that, generally?

21 A. This is a typical picture of what happens after, in this
22 case, a bus bombing.

23 MR. JONAS: Your Honor, I would like to offer into
24 evidence Demonstrative 13.

25 MR. CLINE: No objection as a demonstrative.

1 THE COURT: Admitted.

2 MR. JONAS: If we can put Demonstrative 13 on the
3 screen, please.

4 Q. (BY MR. JONAS) Doctor Levitt, can you describe the
5 scene?

6 A. In the middle you see the smoke and flames still rising,
7 primarily it looks like from cars that were unfortunately
8 beside the bus. The bus is a shell. It is completely
9 destroyed, completely gutted on the inside. Whatever and
10 whoever were in that bus are very unlikely to have survived.
11 All of the upholstery, much of the metal inside of these buses
12 after these explosions are just gone.

13 And that is one of the points. If you conduct an attack,
14 a bombing in a closed environment, a bus is ideal because it
15 is small and enclosed, but a cafe, something else, the
16 explosion is contained within that area. And instead of
17 diffusing quickly out into the air, the flames, the heat,
18 stays in and it maximizes the deadly effect of the attack.

19 And it is not uncommon, as you see here, for cars that
20 happen to be nearby, depending on the size of the explosion
21 not even necessarily even so nearby, to be destroyed as well.

22 Q. Have you yourself seen the aftermath of a suicide attack?

23 A. I have.

24 Q. When was that?

25 A. July 1997.

1 Q. Where were you?

2 A. I started the day in Ramallah in the West Bank where I
3 was interviewing Palestinian officials at a meeting of the
4 Palestinian legislative council, their parliament that we
5 discussed earlier, when suddenly news broke that there was a
6 double suicide bombing in an open air market in Jerusalem
7 called the Mahane Yehuda, M-A-H-A-N-E Y-E-H-U-D-A, market.
8 The legislative council session ended. I got into a car with
9 an American journalist and my translator and we made our way
10 back into Jerusalem.

11 The Israeli checkpoints had been closed, but my
12 Palestinian translator knew a back road to evade the
13 checkpoint, and I was amazed, despite the checkpoint, that we
14 were back in Jerusalem.

15 I went towards the area where the bomb happened and
16 Israeli police had blocked off the entire area, but several
17 hours later that evening I was able to go back and much of it
18 had already been cleaned, but there were journalists and
19 others. And what you saw was complete and utter destruction.
20 Apparently the first suicide bomber detonated his suicide bomb
21 at a fruit and vegetable market. The outdoor market is
22 structured like a T, so people moved up the base of the T, not
23 knowing that the second suicide bomber was at the head where
24 you could go left or right. And as people rushed away from
25 the first bomb, the second suicide bomber detonated his

1 device, killing still more people.

2 Many, many people were killed. There were children's
3 shoes all over the place. There was still blood on the floor.
4 The roof was gone. The stores were destroyed. There was an
5 electric powered wheelchair that was completely mangled and
6 had been turned into a makeshift memorial. I stayed for a
7 little while, but I couldn't stay very long.

8 Q. Doctor Levitt, did you assist in preparing a timeline of
9 some of the major Hamas events, including some of these
10 bombings?

11 A. I did.

12 Q. Do you see before you Demonstrative 14?

13 A. Yes.

14 Q. What is that?

15 A. This is an event timeline that I helped put together.

16 MR. JONAS: Your Honor, at this time I would offer
17 into evidence Demonstrative 14, again as a demonstrative
18 exhibit.

19 MR. CLINE: No objection as a demonstrative.

20 THE COURT: Admitted.

21 MR. JONAS: If we can put that on the screen, the
22 first page.

23 Q. (BY MR. JONAS) Doctor Levitt, this is a PowerPoint.
24 Correct?

25 A. Correct.

1 Q. So there are various slides?

2 A. Yes.

3 THE COURT: Counsel, let's take the morning recess.
4 Be back 11:10 by that clock.

5 (Whereupon, the jury left the courtroom.)

6 THE COURT: We will be in recess until 10 after.

7 (Brief Recess.)

8 Q. (BY MR. JONAS) Doctor Levitt, when we broke we were
9 about to talk about the timeline that you helped create.

10 MR. JONAS: If we can put that on the screen,
11 please, Demonstrative No. 14.

12 Q. (BY MR. JONAS) Do you see that, sir?

13 A. Yes.

14 Q. Okay. Can you just walk us through what is on this first
15 screen?

16 A. In early December 1987 the Palestinian Intifada, the
17 uprising that we described, begins in Gaza. Hamas founding
18 members, including Sheikh Yassin and Abdel Aziz al-Rantisi,
19 mobilized worshippers at local mosques and hold
20 demonstrations. Also in December 1987 Hamas is founded
21 officially, and then a few months later the official Hamas
22 charter is published in August of 1988.

23 Shortly thereafter --

24 Q. Let me interrupt for a moment.

25 THE COURT: I understand the monitors for the jurors

1 may not be turned on. Your Honor, one moment, please.

2 THE COURT: Sure.

3 THE COURT: Your Honor, I apologize. We need to
4 bring the technical person up. Can we take another ten-minute
5 break, please.

6 THE COURT: Is there some other material you can
7 cover that you don't need the monitor for.

8 MR. JONAS: Not really, sir.

9 THE COURT: Okay. Let's take a few minutes and we
10 will see if we can get these monitors fixed. Go ahead and
11 step into the jury room.

12 (Whereupon, the jury left the courtroom.)

13 Q. (BY MR. JONAS) Thank you, Judge.

14 (Pause in proceedings.)

15 MR. JONAS: I understand the problem has been fixed.

16 Q. (BY MR. JONAS) Doctor Levitt, do you have the first
17 slide on your screen?

18 A. I do.

19 Q. Okay. And you mentioned already about the Intifada
20 beginning, Hamas being founded, and the charter being
21 published. Can you start with the next event, which is
22 February 16th, 1989?

23 A. Yes. This is the last entry on the page. Israel defense
24 forces, Sergeant Sasportas, the family name, was abducted. An
25 off-duty sergeant, Avi Sasportas was kidnapped while

1 hitchhiking at the Hodaya Junction and subsequently shot to
2 death. His body was buried at the Givati Junction in southern
3 Israel and discovered later on May 7, 1989.

4 Q. Was this the event that caused Sheikh Yassin to be
5 arrested by the Israelis?

6 A. This and another.

7 MR. JONAS: If we can get to the next screen,
8 please.

9 Q. (BY MR. JONAS) What is the next event?

10 A. This is the next event, May 3rd, 1989. Off-duty Israel
11 defense forces corporal Ilan Sa'doan was kidnapped while
12 hitchhiking. Sa'doan was declared a fallen IDF soldier on
13 November 22, 1990. His body was only found on July 29, 1996.

14 Q. So these two events in conjunction, the February 16th,
15 '89 and the May 3rd, '89, were those the two events you
16 referred to as causing the arrest of Sheikh Yassin?

17 A. Yes.

18 Q. Next?

19 A. In February 1992, following the February 9th, 1992
20 bombing in Gaza which injured three, Hamas' Izz el-Din
21 al-Quassam Brigades claims credit. Salah Shehadah is later
22 identified as al-Qassam Brigades' founder.

23 Q. Prior to this date did the brigades go by another name?

24 A. Hamas had military activity prior to this, and they went
25 by the name of Majd, M-A-J-D, or other names.

1 THE COURT: Are you having trouble with one of the
2 monitors?

3 Can you come help us over here? It is falling off.

4 Q. (BY MR. JONAS) Doctor Levitt, I was asking you about
5 other names that the Izz el-Din al-Quassam Brigades go by, and
6 let me ask you this. Have you heard the name Palestinian
7 Mujahideen?

8 A. I have.

9 Q. And how have you heard that term?

10 A. That was one of the names under which the Hamas fighters
11 were operating prior to the declaration of the Izz el-Din
12 al-Quassam Brigades.

13 MR. JONAS: If we can have the next screen, please.

14 Q. (BY MR. JONAS) And what is this event?

15 A. November 1992. Car bombing was foiled and attempted
16 suicide car bombing in a heavily populated area in the center
17 of the country was foiled before execution.

18 Q. In the center of the country, are you referring to
19 Israel?

20 A. Yes.

21 Q. Who foiled it? Do you recall? Was it the Israeli
22 military or --

23 A. At this point in 1992 almost certainly, yes. This is
24 prior to the creation of the Palestinian Authority.

25 MR. JONAS: Next screen, please.

1 MR. JONAS: A month later in December 1992, Israel
2 expelled 415 Palestinian militants, the majority of which were
3 members of Hamas, 251 from the West Bank and 164 from the Gaza
4 Strip, to Lebanon, including Mahmoud Zahar and Abdel Aziz
5 Rantisi. Rantisi is elected the camp's spokesman.

6 Q. Mahmoud Zahar and Rantisi, are they on the chart we
7 looked at before of Hamas leaders in the 1990s?

8 A. Exactly.

9 Q. And what ended up happening to these men?

10 A. They stayed on this hilltop in Marj al-Zhour, M-A-R-J
11 A-L Z-H-O-U-R, and were eventually allowed to return back to
12 the West Bank and the Gaza Strip.

13 Q. What was the world reaction to what happened?

14 A. Very angry. The general reaction was that the Israeli
15 action was in violation of international law. The Lebanese
16 did not accept them, and they stayed on this hilltop,
17 generally with the assistance of international aid
18 organizations, living primarily in tents.

19 Q. It says here that a majority of these individuals were
20 Hamas members. What were the minority, the non-Hamas members?
21 Who were they?

22 A. These were all individuals identified as the Israelis as
23 being members of extremists and violent groups, so it would
24 include members of the Palestinian Islamic jihad and some
25 other groups, too.

1 Q. What caused the Israelis to do this?

2 A. The continuing tempo of violence and their desire to
3 strike a blow at the Hamas infrastructure, recognizing that
4 these attacks were only possible because of the logistical and
5 financial support that they were receiving from the movement
6 overall, its social welfare and political activities as well.
7 This was how they decided, wise or otherwise, to try and foil
8 Hamas' violence.

9 Q. Did the individuals that were deported, did they deny
10 being Hamas?

11 A. No.

12 Q. Did they acknowledge being Hamas?

13 A. Yes.

14 Q. Did it have an affect while they were out of the country,
15 while they were deported, expelled, did it have the desired
16 effect on Hamas?

17 A. It did. It had a severe effect on Hamas' ability to
18 conduct operations. Hamas officials tried to send people to
19 the West Bank and Gaza, including people from the United
20 States, to try and resurrect that capability, and Hamas
21 officials described it as a severe blow.

22 Q. Why did the Israelis let these individuals back into the
23 West Bank and Gaza?

24 A. In large part because of international pressure, and the
25 fact that this was clearly not a tenable solution.

1 Q. The men that were deported, were they just of the
2 military branch of Hamas or were they part of the other wings
3 as well?

4 A. They were a variety of wings. There were some from the
5 military wing, and there were some from the political and
6 social welfare wings.

7 MR. JONAS: Next slide, please.

8 Q. (BY MR. JONAS) And what is this?

9 A. It is a bombing in April 1993. A suicide bomber driving
10 an explosives laden van detonated his vehicle between two
11 buses in the Mekholah Restaurant parking lot killing one and
12 wounding five.

13 Q. Do you know where that restaurant is located?

14 A. It is in the West Bank, I believe.

15 Q. Why is it that Hamas would conduct an attack in the West
16 Bank?

17 A. Hamas is primarily concerned with conducting attacks that
18 will garner attention and will kill their targeted -- their
19 intended targets, Israelis. Sometimes they will conduct those
20 attacks -- more often they will conduct those attacks,
21 especially suicide attacks, in Israel proper when they can,
22 but when the security environment is prohibited and Israeli
23 forces, or later Palestinian forces, make it difficult for
24 them to do so, they have been known to carry out a variety of
25 different type of attacks in the West Bank or Gaza.

1 MR. JONAS: Next slide, please.

2 Q. (BY MR. JONAS) Doctor Levitt, the Oslo Accords, you
3 talked about the attempted peace agreement.

4 A. Exactly.

5 MR. JONAS: Next slide, please.

6 Q. (BY MR. JONAS) What is happening here in April of '94?

7 A. April 6th, 1994, a suicide bomber driving an explosives
8 laden car detonated his vehicle near the number 348 bus stop
9 in Afula, which is in middle Northern Israel, killing eight
10 and injuring five.

11 MR. JONAS: Next slide, please.

12 THE WITNESS: The slide or event?

13 Q. (BY MR. JONAS) I am sorry. I jumped ahead a little bit.
14 The incident in October of '94, can you talk about that?

15 A. Israel defense forces soldier, Sergeant Nachshon
16 Wachsmann, an American citizen, was abducted from inside
17 Israel. Captors subsequently demanded the release of
18 Palestinian prisoners, including Hamas leader Sheikh Yassin,
19 in exchange for his safe return. The incident leads to the
20 suspension of the peace negotiations in Cairo. Wachsmann is
21 killed by his captors during an Israel defense forces rescue
22 operation on October 14th, 1994.

23 Q. Let me ask you a couple of questions about this. You
24 said Israel defense forces. I assume that is IDF on the
25 screen?

1 A. Exactly. The Israeli army.

2 Q. The army. The suspension of peace negotiations in Cairo.
3 What were these peace negotiations about?

4 A. This is after the Oslo process had begun, and there were
5 a variety of simultaneous tracks to the peace process that
6 were being negotiated. At the time one in Paris on economic
7 issues, and one in Cairo on political issues, the very first
8 phase of the peace process. And this attack led to the
9 suspension of the peace process, in particular suspension of a
10 deal that was about to be concluded on the release of
11 Palestinian prisoners from Israeli jails.

12 Q. Did the Israelis release Sheikh Yassin in response to the
13 demand by the captors?

14 A. No.

15 Q. We next have an October 19th, 1994 incident.

16 A. Another suicide bombing. This one aboard the number five
17 bus on Dizengoff Street in Tel Aviv. This is the main city
18 square in Israel, in Tel Aviv. Kills 21 Israelis, 1 Dutch
19 national, and injures 56.

20 MR. JONAS: Next incident, please? Next slide?

21 THE WITNESS: Beit Lid double bombing. Bombers near
22 a snack bar at the Beit Lid Junction, it is a highway junction
23 near the Israeli coastal town of Netanya, used a new tactic of
24 setting off a small blast first and then igniting a second
25 more major explosion three minutes later after rescuers began

1 to convene at the scene. The attack killed 22 people and
2 wounded approximately 60. Islamic jihad claimed
3 responsibility.

4 Q. What is Islamic jihad?

5 A. Palestinian Islamic Jihad, or PIJ, is another Islamist
6 terrorist group much smaller than Hamas with which Hamas
7 sometimes cooperates.

8 Q. Did Hamas claim responsibility for this act as well?

9 A. It did.

10 Q. How do you know which organization committed the act if
11 they are both claiming responsibility?

12 A. With difficulty. It is not uncommon sometimes for groups
13 to claim responsibility for one another's attacks and try and
14 reap the benefits. Israeli authorities later determined that
15 there actually was both Hamas and Islamic Jihad participation.
16 I don't remember which, but one group provided the suicide
17 bomber and the other group provided the suicide bomb, the
18 bomb.

19 Q. This says it killed 22 people and wounded 60. Were the
20 22 people killed Israeli soldiers?

21 A. Not alone, no. There may have been some soldiers in
22 there, but this was a civilian junction, a civilian bus stop
23 area. Typically Israeli soldiers hitchhike, get free rides on
24 the Israeli national bus system, so I am sure Israeli soldiers
25 were killed. I don't know the numbers, but almost certainly

1 this was not only soldiers.

2 Q. And of the 60 wounded were they exclusively soldiers?

3 A. Same thing.

4 MR. JONAS: Next slide, please.

5 Q. (BY MR. JONAS) This is February 25th, 1996.

6 A. February 25, 1996, Jerusalem No. 18 suicide bus bombing,
7 the first in a series of bus bombings. A suicide bombing on
8 No. 18 bus near the central bus station in Jerusalem, Israel,
9 killed 26 and injured 80.

10 MR. JONAS: And the next slide.

11 THE WITNESS: Just a few days later, a week later
12 almost to the minute, the exact same bus line, Jerusalem No.
13 18, suicide bus bombing. A suicide bombing on No. 18 bus in
14 Jerusalem, Israel, killing 19 and injuring 6 others.

15 Q. You said almost to the minute that the first one
16 happened. Is that by design?

17 A. Absolutely.

18 Q. Why?

19 A. As we discussed earlier, terrorism is not just about
20 killing or injuring the people or targeted in the actual
21 attack, but it is about terrorizing society. And when Hamas
22 conducts attacks against buses or other civilian targets, it
23 scares people. In Israel many people take buses to work,
24 children take buses to school much more than in the United
25 States. It is a necessary means of transportation. And doing

1 it one week apart, after the first bus bombing there was
2 severe increase in Israeli security. And the clear message is
3 that "We can attack you anywhere, any time, we please," and it
4 sends a message of extreme vulnerability to society.

5 MR. JONAS: Next slide, please.

6 Q. (BY MR. JONAS) This is now March 4th, 1996, the next
7 day. What happened?

8 A. The next in the string of attacks, again in Dizengoff
9 Square, the main square in Tel Aviv, a suicide bomber kills
10 12.

11 Q. We see now an attack -- First you said on March 3rd it
12 was a week later on the same bus line. Now you see one on the
13 next day. Do you know why on this particular time period
14 there are attacks so close together?

15 A. There are multiple reasons, one of which is that Israel
16 was preparing for a national election between Shimon Peres of
17 the Labor Party, who is more dovish and a bigger supporter of
18 peace. He had won the Nobel Peace Prize with Prime Minister
19 Rabin and Yasser Arafat for concluding the Oslo Accords in
20 1993. He was running against Benjamin Netanyahu, who was a
21 much more hard line conservative politician, much less
22 sanguine about the peace process.

23 And before these attacks, the more dovish candidate,
24 Shimon Peres, was very much ahead in the polls and ultimately
25 lost.

1 It also came after the Israeli assassination of Hamas'
2 most notorious bomb-maker, Yihye Ayyash, Y-I-H-Y-E
3 A-Y-Y-A-S-H, and the attacks were claimed in retaliation. But
4 as the investigation into the attacks unfolded, it became very
5 clear the attacks had been in the planning stages long before
6 Ayyash's assassination. So Hamas' claim that these were in
7 retaliation for the assassination of their bomb-maker didn't
8 really hold much water.

9 Q. Does Ayyash have a nickname?

10 A. The Engineer, because he engineered the suicide bombing
11 vests that Hamas bombers used.

12 Q. As a result of these attacks with regard to the election
13 that you refer to, what was the outcome, if you recall, if you
14 know?

15 A. Netanyahu won the election, and the peace process went
16 into a little bit of a tailspin. The new Israeli government
17 was not as supportive of this process; much more suspicious of
18 Palestinian intentions. They believed the Palestinians wanted
19 to get control of the land and then not ensure security. And
20 it was a very difficult time in terms of the peace process.

21 Q. Were these bombings -- did that have an affect on the
22 outcome of the election, if you know?

23 A. I believe they did. These bombings are one third of my
24 Ph.D. dissertation and of my recent book, so I have studied
25 them in tremendous detail. Some Hamas leaders claim that this

1 was their intention. Other Hamas leaders claim, "No, we
2 aren't really interested in elections. We don't like any of
3 the Israeli candidates, and we just wanted to conduct an
4 attack on them where we could."

5 The fact that they had an impact on the election, from
6 kind of a political science perspective, is very hard to
7 disagree with.

8 Q. Those who said that the purpose of the attacks were to
9 affect the election, why? Why would they want to affect the
10 election and have the candidate who is dovish, as you put it,
11 more peace-oriented, lose?

12 A. Hamas is expressly opposed to a two-state solution. It
13 is expressly opposed to a negotiated compromise settlement.
14 From Hamas' perspective, having an Israeli leader who is
15 willing to make those compromises is not in their interest.
16 It is much better to them to have an Israeli leader who will
17 not further the peace process which feeds into Hamas' ideology
18 that the Israelis cannot be trusted, and the only way to
19 secure the Palestinian homeland is to kill Israeli civilians.

20 MR. JONAS: Next screen, please.

21 Q. (BY MR. JONAS) This is May 13th, 1996. What happened
22 here?

23 A. U.S. citizen David Boim was killed in a shooting attack
24 near the Beit El settlement in the West Bank. Using automatic
25 weapons gunmen opened fire while driving by a group of

1 teenagers standing outside the Beit El settlement, killing
2 17-year-old U.S. citizen David Boim and injuring one other.

3 Q. As a result of this shooting, did the Boim family bring a
4 lawsuit in the United States?

5 A. They did.

6 Q. You mentioned earlier that Hamas has killed American
7 citizens. You said so in the Hebrew University bombing. Were
8 Americans killed in the Mike's Place bombing?

9 A. I don't know.

10 Q. Has Hamas specifically openly said they are targeting
11 Americans?

12 A. Very rarely. Hamas traditionally has not, and has
13 articulated its position not to target Americans. There have
14 been some instances where they have threatened to do so. The
15 earliest that I know of was after the arrest of Mousa Abu
16 Marzook in '95 when he was arrested here in the United States,
17 and then more recently Abdel Aziz al-Rantisi when he became,
18 very briefly before he, too, was assassinated, the leader of
19 Hamas after the assassination of Sheikh Yassin, made a public
20 statement to the media suggesting that perhaps Hamas should
21 now target America as well.

22 MR. JONAS: Next slide, please.

23 Q. (BY MR. JONAS) What happened here?

24 A. This is the July 30th, 1997 attack that I walked you
25 through earlier, the one whose impact I witnessed, the Mahane

1 Yehuda suicide bombing. Two suicide bombers detonated
2 themselves inside the Mahane Yehuda Market in Jerusalem
3 killing 16 people. 178 were also wounded in the attack.

4 Q. Doctor Levitt, before we move to the next one, the
5 attacks you have gone over so far and the ones we will go over
6 in a few moments, are these all the suicide attacks and acts
7 of terrorism committed by Hamas during this time frame of 1987
8 through 2001?

9 A. Not by any stretch of the imagination. We don't have
10 enough time today.

11 MR. JONAS: Next one, please.

12 Q. (BY MR. JONAS) What happened here?

13 A. In September 1997 there was a triple suicide bombing at
14 the Ben Yehuda Pedestrian Mall, a street blocked off from
15 traffic full of cafes. Five people were killed and 181
16 wounded in three suicide bombings occurring along the
17 pedestrian mall, the Ben Yehuda Pedestrian Mall in Jerusalem,
18 Israel.

19 Q. Doctor Levitt, you testified earlier that Hamas sometimes
20 will have a double suicide bombing where there will be one
21 bomb, people will run away from that incident, and then there
22 will another bomber where the people are running to. In the
23 triple suicide bombing can you explain how that was pulled
24 off?

25 A. Very much along the same ways. You had three bombers at

1 different points along the mall. And this mall is not just
2 one street. It is one main pedestrian street and then there
3 are several more coming across it. In this case, therefore,
4 there were more avenues of escape, which I think explains why
5 so few people were -- thankfully, so few were killed. But 181
6 were wounded. As one bomb went off, the next bomber waited, I
7 don't know how long, detonated his bomb, again waited,
8 detonated his bomb.

9 MR. JONAS: Next slide, please.

10 Q. (BY MR. JONAS) This is March 4th, 2001.

11 A. Netanya bus stop bombing. Three people were killed and
12 over 50 wounded when a suicide bomber detonated near the
13 central bus station in Netanya, Israel, which is in the north
14 of the country. Hamas leaders Abdel Aziz Rantisi and Mahmoud
15 Zahar, both of whom were on that chart, issued separate
16 statements threatening further attacks against Israel.

17 MR. JONAS: Your Honor, if I may put the chart back
18 on the easel, so Doctor Levitt may point out who he is talking
19 about.

20 Q. (BY MR. JONAS) I know this is probably difficult for you
21 to see.

22 A. The top line on the bottom half of the orange, the two on
23 the top right, Abdel Aziz Rantisi and Mahmoud Zahar, yes.

24 Q. Thank you. Doctor Levitt, on this timeline we see the
25 prior attack being in 1997 and then the next attack being in

1 2001. You said that this timeline does not cover, by any
2 stretch of the imagination, all of the Hamas attacks, but is
3 there a reason why in the timeline there is a four-year break
4 between the attacks?

5 A. There is. When the Netanyahu government, the
6 conservative government, collapsed, a more dovish prime
7 minister was elected, Ehud Barak, and there was again a strong
8 push between Israelis and Palestinians and the Palestinian
9 Authority to further the peace process.

10 Keep in mind this is 1997. The Oslo Accords were
11 supposed to take five years. There was one year left to this
12 timeline. And there was an effort to see what could be
13 accomplished by 1998; at a minimum, have sufficient momentum,
14 positive momentum towards a two-state solution so that both
15 parties would agree to continue past the five-year deadline.
16 And so because of this there was very, very significant
17 security cooperation between Israel and the Palestinian
18 Authority, and crackdown on Hamas leading to its -- a lack of
19 its capability to carry out the kind of qualitative suicide
20 bombing and other attacks that it might have wanted to carry
21 out.

22 Q. During this time frame what was the relationship between
23 the Palestinian Authority -- Run by Fatah. Is that correct?

24 A. Yes.

25 Q. And Hamas?

1 A. Extreme confrontation. The Palestinian Authority was
2 cracking down on Hamas militants, cracking down on Hamas
3 political and welfare institutions, several of which were shut
4 down. The Ramallah zakat committee was shut down at one
5 point, the al-Salah Society was shut down at one point, in an
6 effort to deny Hamas the ability to carry out just these types
7 of attacks.

8 Q. Starting then -- Let's go to the next attack before I ask
9 that question. What happened here?

10 A. We are now in June 2001. A suicide bomber detonated
11 amongst a crowd of youngsters, teenagers, outside the
12 Dolphinarium Nightclub in Tel Aviv, killing 20 and injuring
13 over 120.

14 Q. So now we see attacks picking up again in 2001. And just
15 so we are clear, were there any attacks between 1997 and 2001?

16 A. Yes.

17 Q. Okay. Now we are seeing some more, though. Was there an
18 increase in frequency in this year?

19 A. Yes.

20 Q. Why?

21 A. The Camp David Accords in September 2000, as we mentioned
22 earlier, failed, and that led to a sharp increase in violence.
23 This second eruption of violence was also called an Intifada,
24 an uprising, to mimic the uprising that had occurred that
25 started in 1987. But this one was not a grassroots rebellion

1 involving mostly stone throwing. This was a militarized
2 terrorist uprising involving everything from shooting attacks
3 to suicide bombings. And there were more suicide bombings in
4 the period starting in 2000 through about 2004 than before
5 combined.

6 Q. Well, did the Palestinian Authority release the pressure
7 they were putting on Hamas in 2000 or 2001?

8 A. They did.

9 Q. Why?

10 A. Part to put pressure on Israel. The peace process had
11 failed. Militant groups started carrying out attacks. The
12 Palestinian Authority didn't have the credibility to say, "No,
13 no, stop those attacks because our peaceful process is
14 working." These negotiations had just failed. So attacks
15 started, and they didn't crack down on them quickly.

16 Even though negotiations continued after Camp David in
17 Egypt at the Red Sea resort of Taba. By that point shooting
18 had already started. It quickly escalated into suicide
19 bombings, and, frankly, the Palestinian Authority felt they
20 had to get on this train or get run over by it.

21 Q. When you say get on this train, which train --

22 A. Violence.

23 Q. But you also said that prior to this period the
24 Palestinian Authority and Hamas did not get along.

25 A. Correct.

1 Q. Did they start warming up to each other in 2001 when the
2 violence increased?

3 A. They did. And there was still tension, but not only did
4 the Palestinian Authority stop cracking down on Hamas; there
5 were instances where the Palestinian Authority, or elements of
6 the Palestinian Authority--really, to be more accurate, the
7 militant wings of Fatah, which was the main part of
8 Palestinian Authority--cooperatively engaged in attacks, joint
9 attacks sometimes, with Hamas, and the Palestinian Authority
10 didn't stop that. Sometimes they funded it.

11 Q. And you said -- You testified earlier that in 2005,
12 through the elections Hamas, or some point Hamas became the
13 government of Gaza at least.

14 A. January 2006.

15 Q. And yet you testified they turned their guns on other
16 Palestinians in 2007. Did the tension between the Palestinian
17 Authority, or Fatah, and Hamas increase again at that point?

18 A. They increased long before then, but it obviously
19 crescendoed at that time. The Palestinian Authority's, I
20 wouldn't call it warming up, but their easing off on pressure
21 with Hamas was, I would argue, an ill-advised but a tactical
22 decision, and when they saw where it led them they reversed
23 course.

24 There is now Palestinian Authority intent and eager to
25 negotiate a fair but a two-state negotiated compromise

1 solution. What is fair for the Palestinians may not be things
2 the Israelis like, but they want to do a compromise two-state
3 solution, negotiated, nonviolent.

4 MR. JONAS: Next slide, please.

5 Q. (BY MR. JONAS) What happened here?

6 A. In August 2001 a suicide bomber detonated inside a
7 crowded Sbarro Pizza restaurant in Jerusalem. This is at the
8 corner of the two most popular streets in downtown Jerusalem,
9 just a block from that pedestrian mall we talked about
10 earlier, killing 15 and wounding more than 90. Six children
11 were among the dead.

12 MR. JONAS: And the last slide?

13 THE WITNESS: In December 2001 there was a bus
14 bombing in Haifa, a city in northern Israel that is known for
15 Arab-Israeli tolerance. It is about half Arab, half Israeli,
16 half Jewish, that is. Fifteen Israelis were killed and over
17 60 were wounded when a suicide bomber detonated aboard a
18 Haifa, Israel bus in an Arab-Jewish neighborhood.

19 Q. Just so we are clear, all these bombings are claimed by
20 Hamas. Correct?

21 A. Correct.

22 Q. Why would Hamas commit a suicide bombing in an Arab or
23 mixed Arab-Jewish neighborhood?

24 A. Probably as a target of opportunity.

25 MR. DRATEL: Objection, Your Honor, if he is

1 speculating.

2 THE COURT: Overruled.

3 THE WITNESS: Likely. As we mentioned earlier,
4 Hamam conducts attacks, and those attacks are determined in
5 terms of the ultimate target by the actual cell and the
6 suicide bomber. Those final decisions on target, often there
7 is guidance given--do it in this part of the country, do this
8 type of attack--but the final decision is almost always a
9 target of opportunity.

10 Q. (BY MR. JONAS) The last attack on the screen was from
11 December of 2001. Did attacks continue after that?

12 A. Yes.

13 Q. Turning back to the suicide bombers themselves, after a
14 suicide bomber commits his act and blows himself up and kills
15 people, does Hamas utilize that act and that person in a way
16 to further its goals?

17 A. Yes.

18 Q. How so?

19 A. Two primary means. The first is propaganda. The suicide
20 bomber is promoted as an ideal person who did the best
21 possible thing. Posters are made of this individual,
22 glorifying the suicide bomber, the act of suicide, often
23 overlaying a picture of the suicide bomber against the
24 backdrop of a religious site, presenting this as doing God's
25 work.

1 The Hamas organization or movement also takes care of
2 this person's family. Hamas suicide bombers may not know
3 which charities or which individuals do it, but they know it
4 will be done, as I know from my interview of Hamas operatives.
5 And they don't worry about it. And they are able to go into
6 this attack knowing that whether they are killed or captured,
7 their families will be taken care of. And that incentivizes
8 the act of suicide. It certainly removes the barrier, if you
9 know as a husband or a father that your family will be taken
10 care of, even if you go out and kill yourself while killing
11 others or get captured in the process.

12 Q. You say that the bomber may not know which charity or
13 which person takes care of their family. Let's use that to
14 move to the social wing of Hamas. Is it through the social
15 wing that the bomber's family will be taken care of?

16 A. Yes.

17 Q. You mentioned that the term -- the social wing goes by
18 the name Dawa?

19 A. Correct.

20 Q. Is that an Islamic or an Arabic word?

21 A. Yes.

22 Q. And what does it mean?

23 A. To proselytize or to preach.

24 Q. Is that an official name of the Hamas social wing?

25 A. No.

1 Q. It is just a term you use to describe it?

2 A. Yes.

3 Q. Okay. And can you tell us again, what is the overall
4 purpose of Hamas having a social wing?

5 A. It builds grassroots support for the organization. It
6 provides for the families of its operatives. It provides
7 operatives with day jobs. It provides a cover of legitimacy
8 for their activities. Certainly no one is going to question
9 the need for charity. Charity is a good thing. Except that
10 the operatives are sometimes charity by day and terrorists by
11 night. And it provides an ideal mechanism for not only
12 raising under the cover of charity, but then transferring and
13 laundering money, not just for the social activities but for
14 all the activities of the organization.

15 Q. Does Hamas use it as a tool of recruitment as well?

16 A. Absolutely. As we mentioned earlier, you know, you get
17 people into your front door and then you have an opportunity
18 to interact with them, to spot them, radicalize, and recruit
19 them.

20 Q. Is that recruitment for the military wing only?

21 A. No.

22 Q. What sort of services does the social wing provide to the
23 Palestinian population?

24 A. Medical services, food, education, a variety of social
25 welfare types of services, women's groups, soccer clubs,

1 certainly mosques, you know, study groups, a place to go; a
2 wide range of activities.

3 Q. Let's talk about the education for a moment. We saw in
4 the Hamas charter that education is important to it. Is that
5 correct?

6 A. We did.

7 Q. And how does Hamas provide education to children?

8 A. Hamas runs some educational institutions of its own, from
9 kindergartens to elementary schools, where it runs the
10 curriculum and teaches children at the youngest age to look up
11 to suicide bombers as an ideal in society. And then they also
12 have, especially as you get into higher education, very, very
13 active student groups, in particular the Islamic block, or the
14 Kutla Islamiya, K-U-T-L-A I-S-L-A-M-I-Y-A.

15 Q. Does Hamas run all the schools in the West Bank and Gaza?

16 A. No.

17 Q. How do you know between a Hamas run school and a
18 non-Hamas run school?

19 A. Most of the schools are run by various elements of the
20 United Nations and so they are easily identifiable. Hamas run
21 schools are also clear because they are affiliated with Hamas
22 institutions, like the Islamic Center, the Islamic Society in
23 Gaza, and they are not secretive about their ties to and
24 activities on behalf of Hamas. They will hold public events
25 which are all about Hamas and feature Hamas flags and Hamas

1 banners. My children go to school and put on plays. They
2 will go to school and put on plays that are all about Hamas.

3 Q. You say they are not secretive, but do you mean to the
4 local population?

5 A. Correct.

6 Q. What about to the rest of the world?

7 A. Well, it varies among the social welfare activities.
8 Some institutions are clearly Hamas because you walk into
9 their offices and they have pictures of Hamas leaders and
10 posters glorifying suicide bombers and all the Hamas
11 propaganda all over the place. Others don't.

12 And one of the things that an academic, myself for
13 example, has to be careful of is going out and interviewing
14 people and just asking them and taking them at face value.

15 I spoke earlier about the need to vet information you
16 get--asking a Hamas official, military or social, political,
17 except for those who are very well known, "Are you Hamas,"
18 especially over these periods where there has been crackdowns
19 on Hamas, and there could be, you know, police or intelligence
20 attention that you don't want to attract as a result of openly
21 describing yourself as Hamas, is not necessarily likely. It
22 is like going up to Al Capone and asking, "Are you an
23 organized crime figure," and him saying, "No," And then going
24 out and writing a report saying, "Al Capone is not an
25 organized crime figure. He told me so." You need to vet your

1 information.

2 Q. You said when you -- used the quote you asked. Do you
3 mean you yourself as an American academic?

4 A. Well, one would. I have done interviews like these, too.
5 But when an academic goes out and interviews people and says,
6 "Are you Hamas," the people that I have interviewed in jail,
7 they have already been caught. They are more than willing to
8 acknowledge their affiliations.

9 You talk to people in various social welfare
10 institutions, and I have not spent time interviewing people in
11 social welfare institutions at length, but I know many others
12 have, and you ask them point blank, "Are you Hamas," you can't
13 take that answer at face value.

14 Q. And how do you know which ones are and which ones are
15 not?

16 MR. DRATEL? I object, Your Honor. He says he
17 hasn't done the research.

18 THE COURT: Overruled. He may answer. Go ahead.

19 THE WITNESS: Research on any subject like this
20 requires doing interviews, reviewing material, primary source
21 documents, talking with other scholars, and vetting that
22 material. So you need to talk to other scholars who are doing
23 this information. You need to talk to the relevant police.
24 You need to talk to other NGOs.

25 Q. (BY MR. JONAS) Have you?

1 A. I have spoken to police, I have spoken to NGOs, I have
2 spoken to Palestinian officials who oversee the zakat
3 committees and who oversee charities--that is two different
4 parts of the Palestinian government--and had extensive
5 discussions with them about Hamas' role in the zakat
6 committees and in charities.

7 Q. Getting back to the schools for a moment, what exactly is
8 taught at these schools?

9 A. Math, science, language, and Hamas ideology.

10 Q. You mentioned earlier the praising of the suicide
11 bombers.

12 A. Yes.

13 Q. Does Hamas provide supplies to the students, not just
14 education but, I mean, pencils, pens, books, that sort of
15 thing?

16 A. It does. And because Hamas is trying to build grassroots
17 support among Palestinian society at large, it is not only
18 providing those to its -- the people who are already are its
19 followers. Providing backpacks and pencils and food during
20 Muslim holidays is another means of building goodwill and
21 grassroots support among the larger elements of Palestinian
22 society. "Your government may not be taking care of you but
23 we will."

24 Q. You mentioned that schools -- these Hamas schools have
25 ceremonies.

1 A. Yes.

2 Q. Have you seen videos of some of these ceremonies?

3 A. Yes.

4 Q. And is there a particular video that comes to mind that
5 you are thinking of?

6 A. Yes.

7 Q. What is that from?

8 A. A graduation ceremony from a kindergarten affiliated with
9 the Islamic Society in Gaza.

10 Q. And from seeing the video of this graduation ceremony of
11 the kindergarten, is it clear that this kindergarten is
12 affiliated with Hamas?

13 A. Crystal clear.

14 Q. And I say the kindergarten. Of course, I mean those
15 running the kindergarten and then.

16 MR. JONAS: Your Honor, at this time I would like I
17 to admit Government's exhibit, what is called GOI, Government
18 of Israel, No. 1, which is the kindergarten video that Doctor
19 Levitt is discussing as -- Well, let me ask Doctor Levitt one
20 more question on that.

21 Q. (BY MR. JONAS) Doctor Levitt, would it aid the jury in
22 understanding your testimony regarding, not just the schools
23 but the social wing of Hamas and how it operates, if they were
24 to view that video?

25 A. Yes. You can't do it justice. A picture tells a

1 thousand words.

2 MR. JONAS: Your Honor, at this time I would like to
3 offer that video into evidence under 703 to aid the jury in
4 understanding Doctor Levitt's testimony.

5 MS. HOLLANDER: What is the date of this video?

6 Q. (BY MR. JONAS) Do you recall the year the video --

7 A. I don't recall offhand, no.

8 Q. Do you remember the decade; if it was in the '90s or
9 later?

10 A. I believe it was somewhere between 1999 and 2001 or 2002.

11 MS. HOLLANDER: Your Honor, since he doesn't know
12 what the date was, we will object that if there is no way of
13 knowing the date of this, I think that "I believe it was" is
14 not sufficient for this to be relevant in this case.
15 Therefore, it is not relevant, and under Rule 403 also at this
16 time we would object.

17 THE COURT: Any other objections.

18 MS. HOLLANDER: And under Rule 703.

19 MR. CLINE: Objection under Rule 703, the probative
20 value does not substantially outweigh the prejudicial effect.

21 THE COURT: Those objections are overruled and GOI
22 No. 1 is admitted.

23 MR. JONAS: If we can play that video, please.

24 (Whereupon, Exhibit GOI No. 1 was played in open
25 court, while questions were being propounded.)

1 Q. (BY MR. JONAS) Doctor Levitt, these children are wearing
2 headbands?

3 A. Yes.

4 Q. What is that?

5 A. These are Hamas headbands you might have seen at -- the
6 kind of the skirt to the stage, it is right in front of them.
7 You can't see it here, but might have seen it a moment ago,
8 the Hamas emblem there, too.

9 Q. Doctor Levitt, these children are dressed up. Do you
10 recognize who they are supposed to be, or what they are
11 supposed to be?

12 A. Yes. You have here on the right a child that is wearing
13 a pretend suicide bombing vest, on the left you have someone
14 who is dressed up as a security guard, and in the middle a
15 child dressed up as the leader of Hezbollah, a Lebanese
16 terrorist organization in Lebanon that works closely and
17 supports Hamas. It is actually a little freaky how much the
18 kid looks like Nasrallah and how much the bodyguard looks like
19 his well-known bodyguard.

20 Q. Can we go back a little bit?

21 Doctor Levitt, you see there are two flags, blue and
22 white flags? Can you see that on the stage?

23 A. Yes, on the ground.

24 Q. On the ground.

25 A. Yes.

1 Q. What flags are those?

2 A. It is the flag of Israel. And the idea is stomping on
3 it, physically symbolically stomping out Israel.

4 Q. If we can fast forward back to where we were.

5 Doctor Levitt, do you recognize any of the characters on
6 the screen that the children are portraying?

7 A. Here in white you have a child portraying Sheikh Ahmed
8 Yassin, the founder, spiritual leader of Hamas.

9 Q. That was the individual on the top of the Hamas leader
10 chart?

11 A. Correct.

12 Q. Okay. And sitting next to his left?

13 A. Bodyguard and the Nasrallah wannabe.

14 Q. Is this a further -- What is this?

15 A. This is a further depiction of Sheikh Ahmed Yassin. I
16 mentioned earlier he is a paraplegic, and so he was in a
17 wheelchair.

18 Q. Doctor Levitt -- By the way, have you seen other videos
19 similar to this?

20 A. Too many.

21 Q. And are they all from the same institution, the Islamic
22 Society?

23 A. Not all.

24 Q. Is this typical activity that goes on in a Hamas-run
25 school?

1 A. Yes.

2 Q. Besides the education of the children and Hamas ideology
3 at the school, does Hamas use the school itself, the
4 structure, in any way?

5 A. Hamas uses the structures in its social welfare or
6 civilian wings for multiple purposes, meeting places, et
7 cetera. In one case documented in a State Department report
8 Hamas used a kindergarten playground as a place to bury and
9 stash caches of weapons.

10 Q. You mentioned that Hamas has kindergartens and elementary
11 schools. Does it also have institutes of higher
12 learning--colleges?

13 A. I wouldn't say Hamas has colleges, but there are colleges
14 that are very closely affiliated with Hamas, and particularly
15 the Islamic University of Gaza that was founded by Hamas
16 leaders.

17 Q. Besides schools does Hamas have hospitals?

18 A. Yes.

19 Q. And what do they do at the hospitals?

20 A. They have medical clinics, they have hospitals, the
21 hospitals serve the needs of the local population. They
22 obviously -- they provide discounted, sometimes free,
23 services, and that obviously builds grassroots support among
24 the populous.

25 Q. For the schools and the hospitals do they only -- Do the

1 schools only take in and the hospitals only treat members or
2 families of members of Hamas?

3 A. No. That would defeat part of the purpose. They want to
4 provide for their own, yes, but they also want to build
5 grassroots support amongst society. And the way to win people
6 over is to provide them these services. In some cases these
7 are hospitals in places that hospitals are needed. In other
8 places there have been documented cases where they wanted to
9 set up a hospital of their own very close to a place where
10 there already was an existing hospital.

11 Q. Like with the school I asked you about using the
12 structure itself, do they use hospitals in any way other than
13 treating people?

14 A. Again, the infrastructure is there for their use, so for
15 example, the Abbas al-Sayyid, A-B-B-A-S A-L S-A-Y-Y-I-D, who
16 is the mastermind behind the Park Hotel attack that we
17 discussed in 2003, he recruited someone working in a hospital
18 to procure cyanide for him for attacks.

19 Q. Cyanide from the hospital?

20 A. Correct.

21 Q. Does Hamas have ambulances?

22 A. Hamas has used ambulances. Hamas has members and
23 supporters whom have driven ambulances and have used them to
24 ferry persons or material.

25 Q. When you say material what do you mean?

1 A. Weapons.

2 Q. Do they have libraries?

3 A. They do.

4 Q. What do they use the libraries for?

5 A. A library serves a function for the community. The
6 community is grateful for the library, builds grassroots
7 support. It is also a place where again they can use the
8 infrastructure, and they are able to use, for example in one
9 documented case, the photocopiers in the library to make
10 copies of their communiques, their propaganda, to distribute
11 within the community.

12 Q. What about mosques?

13 A. Same thing. Hamas does run mosques. Hamas uses the
14 mosques in multiple ways. First of all, there will be
15 preachers in the mosque who will preach a particularly Hamas
16 message. There will be religious study classes in the mosque
17 where potential recruits can be spotted, approached,
18 radicalized, and recruited. And in some cases mosques have
19 been used for logistical support for military attacks.

20 Again, this Park Hotel bombing Passover March 2003, the
21 planning meetings were held in a Hamas mosque. The drop-off
22 point for the suicide bombing belts was in the mosque. There
23 was a cabinet people knew not to go into. The bombing belts
24 were left behind a urinal in the mosque bathroom, and notes
25 were delivered among the operatives hidden behind the carpet

1 which went up the wall, a little bit like a lip, and they left
2 notes for each other there.

3 Q. I should have asked you this before, but what is a
4 mosque?

5 A. A mosque is a place of worship, like a church or a
6 temple, for the Muslim faith.

7 MR. JONAS: This is a good stopping place, if you
8 want to break for lunch.

9 THE COURT: All right. Let's break for lunch. Be
10 back at 1:45.

11 (Whereupon, the jury left the courtroom.)

12 THE COURT: We will be in recess until 1:45.

13 (Lunch Recess.)

14 THE COURT: Mr. Jonas?

15 MR. JONAS: Thank you, sir.

16 Q. (BY MR. JONAS) Doctor Levitt, before we broke for lunch
17 we were talking about the social services that Hamas' social
18 wing provides--the schools, mosques, hospitals, et cetera.

19 How does Hamas administer all these social services?

20 A. It provides these services through a variety of
21 institutions, funds them through charity committees, and
22 oversees them through the political echelon.

23 Q. I want to talk about the institutions. Do these
24 institutions have a particular name? I don't mean the
25 individual institutions, but by category.

1 A. Again, they are often referred to as the Dawa
2 institutions.

3 Q. Are you familiar with the term zakat committee?

4 A. I am.

5 Q. And what is a zakat committee?

6 A. Zakat committee is a charity tee committee. Zakat is a
7 particular kind of charity that practicing Muslims are
8 required to donate from their income, and a charity committee
9 is a place where you can give that charity and which will then
10 disburse it onward to organizations that provide for the
11 needy.

12 Q. Are there zakat committees in the West Bank and Gaza?

13 A. There are.

14 Q. Are they regional?

15 A. They are regional. They are often by city or by town
16 organized.

17 Q. Are all charitable committees zakat committees?

18 A. No.

19 Q. What is the difference?

20 A. A zakat committee is specifically a committee whose
21 purpose is to collect zakat contributions specifically and
22 then divvy them out, and charity committees could be providing
23 any type of service or other type of charity.

24 Also charity committees collect are other types of
25 charity. Within the Palestinian Authority, for example,

1 charities and social service organizations are overseen
2 through an office that oversees non-governmental
3 organizations, NGOs, while zakat committees are overseen by
4 the Ministry of Awqaf, which is the Ministry for Religious
5 Endowment.

6 Q. Why are there two different offices overseeing these
7 institutions?

8 A. Because the zakat committees are part of religious
9 practice. They are sacred in a sense, and so they are
10 overseen by the ministry responsible for religious affairs,
11 whereas charities are not necessarily religious. They cover
12 the full spectrum of political or ideological basis and full
13 spectrum of activity, and they are overseen by this NGO
14 department.

15 Q. Are there zakat committees that are controlled by Hamas?

16 A. There are.

17 Q. Are there other charitable institutions, non-zakat
18 committees that are controlled by Hamas?

19 A. There are.

20 Q. You testified earlier, I think it was yesterday, that
21 Israel licensed some what was then the Palestinian branch of
22 the Muslim Brotherhood social institutions against a buffer
23 against some of the more violent organizations. Do you recall
24 that?

25 A. Correct.

1 Q. Did Israel license any of the Hamas zakat committees?

2 A. I don't know. I do know that they were licensed by the
3 Palestinian Authority under the Ministry of Endowment, the
4 Ministry of Awqaf, when the is Palestinian Authority came into
5 power, almost as a matter of -- almost automatically, as those
6 officials have explained it to me.

7 Q. Let's try to break this down by time frame. Up till
8 Oslo, before the Palestinian Authority was created, was Israel
9 in charge of administering -- of overseeing the zakat
10 committees and the charitable committees?

11 A. Yes. The military occupation would have been in charge
12 of all these things, and I assume they licensed them but I
13 don't know.

14 Q. You said the other day that they did license some of the
15 Sheikh Yassin organizations.

16 A. Yes. They licensed the Islamic Center, the Islamic
17 Society, they gave permission for opening many more mosques.

18 Q. All that was done before Hamas was formed?

19 A. Before Hamas was formed.

20 Q. Once Hamas was formed did Israel continue to license
21 these organizations?

22 A. I don't know.

23 Q. Did there ever come a point when Israel revoked the
24 licenses of any of those organizations?

25 A. Yes.

1 Q. When was that?

2 A. Over the course of the peace process since 1993, Israel
3 has periodically shut down some of these committees, some of
4 these charities in the West Bank and Gaza, not only revoking
5 the license but actually shutting them down, as has the
6 Palestinian Authority.

7 Q. Would these be the Hamas committees?

8 A. Yes.

9 Q. And then in 1994, 1993, when the Palestinian Authority
10 came into existence, you said they had two parts of the
11 Government that oversaw the committees--one over zakat
12 committees and one over non-zakat charitable committees.

13 A. That is right.

14 Q. And you mentioned -- Did the Palestinian Authority
15 license both sets of charities?

16 A. They did.

17 Q. Have you studied that process?

18 A. I have.

19 Q. And what does it take to let a license by the Palestinian
20 Authority?

21 A. Well, for the zakat committees, because they are sacred,
22 because they are part of religious practice, there is almost
23 no such thing, in fact I don't know of any case where a zakat
24 sought a license and did not receive one. Only recently now
25 in the past year has the Palestinian Authority started to deny

1 some licenses and do checks to make sure that these were
2 actual legitimate zakat committees before licensing them, and
3 has gotten some flak for it from society. But until very
4 recently I know of no instance where a zakat committee sought
5 a license and did not get one, because these were religious,
6 they were sacred. It would be a very, very sensitive issue to
7 deny establishment of a committee established to channel
8 religious charity.

9 Q. Did the Palestinian Authority ever shut down any of the
10 zakat committees? I don't mean recently. I am talking in the
11 '90s to early 2000.

12 A. Yes.

13 Q. If it is sensitive to not license one of these
14 organizations because they are religious, how is it that they
15 then can shut them down?

16 A. With difficulty. All the ones that they have shut down,
17 as far as I know, were later reopened. There is a lot of
18 public pressure. But the information that they had at the
19 time led them to believe that they had to shut down these
20 charities because they were not only engaged in charitable
21 work.

22 Q. What other type of work were they engaging in?

23 A. These were Hamas committees that were involved in other
24 work, political or military, for Hamas.

25 Q. As an expert who studies Hamas, what does it mean to you

1 if a zakat committee has a license on the wall?

2 A. Effectively it doesn't mean anything. If there is no
3 such thing, until recently, of denying an application for a
4 zakat committee, then to be licensed doesn't really have much
5 meaning.

6 Q. Now, you said something happened recently. How recent?
7 You said within the past year. Is that correct?

8 A. Within the past year, since June 2007.

9 Q. What has happened?

10 A. Again, in June 2007 Hamas militarily took over the Gaza
11 Strip, and since then you have had a Hamas government in Gaza
12 and a more moderate Palestinian Authority in the West Bank.
13 The Palestinian Authority doesn't have any control or say over
14 Gaza, but in the West Bank they do.

15 Recognizing that Hamas' strength came not just through
16 the charitable but political and military activities that were
17 being conducted through ostensibly charitable organizations,
18 they have begun a top to bottom review of charities and zakat
19 committees both. They are removing the Hamas leadership from
20 almost every zakat committee. They have begun enforcing the
21 Palestinian Authority regulation that these committees must
22 have a general assembly of members who then every one or two
23 years votes for a new board. And they have begun shutting
24 down charities that are funding -- supporting things other
25 than charity.

1 Q. How is it that Hamas -- How is it that the zakat
2 committees that Hamas controls further their ultimate goal of
3 destroying Israel?

4 A. By providing grassroots support, by publicizing and
5 getting out Hamas' message that there is a religious
6 requirement to engage in this violent jihad, that it is
7 religiously impermissible to agree to a negotiated compromised
8 two-state solution, by providing day jobs to operatives, by
9 providing a means through which logistical support for
10 operations and financing for all Hamas activities can come
11 through, the social welfare activity is the backbone of Hamas.

12 Q. Would you say that they use a social welfare activity to
13 win the hearts and minds of the Palestinian people?

14 A. Exactly what they do.

15 Q. Are there other terrorist groups, other Palestinian
16 terrorist groups that don't have a social side like Hamas
17 does?

18 A. There are.

19 Q. So why is it so important for Hamas to win the hearts and
20 minds of the Palestinian people?

21 A. Because Hamas doesn't want to be only engaged in military
22 activity. Hamas wants to become the representative of the
23 Palestinian people. Hamas is a movement, not just engaged in
24 terrorism but the movement supports that terrorism; whereas
25 other groups like Palestinian Islamic Jihad have at any given

1 time had maybe three or four or five charities to their name
2 and were never particularly invested in that activity.

3 Q. Are there -- I am sorry. I may have asked you this
4 already, but I can't recall exactly. Does Hamas control every
5 zakat committee in the West Bank and Gaza?

6 A. No.

7 Q. Do they control a majority of them?

8 A. They control many.

9 Q. Are there other terrorist groups that control other zakat
10 committees?

11 A. Charities, but not to my knowledge zakat committees.

12 Q. Are there zakat committees and charities that are not
13 affiliated with any terrorist organizations?

14 A. Many.

15 Q. Have there been studies done on this?

16 A. There have.

17 Q. Anything recently?

18 A. The Center for the Study of the Presidency here in the
19 United States published a report based on extensive research
20 in the West Bank, it is called the "NGO Mapping Project,"
21 trying to identify what NGO charities committees are out
22 there, which ones are distinctly political, affiliated with
23 one political party or another, which ones are engaged in
24 violence, trying to highlight those that are not political and
25 engaged in violence but actually are just trying to alleviate

1 the real suffering of the Palestinian people as opposed to
2 pursuing their political or military objectives, and trying to
3 put them in touch not only with each other, but with the
4 international donor community to facilitate serious charity to
5 the Palestinian people that is not tied to a particular
6 political strain or militant activity.

7 Q. Does Hamas provide the majority of the aid to the
8 Palestinian people?

9 A. No.

10 Q. Who does?

11 A. The international community; primarily the United
12 Nations, the European Union, the United States.

13 Q. How do you identify which zakat committees are Hamas and
14 which ones aren't?

15 A. Sometimes they are open about it in terms of the stuff
16 that is on their walls. Sometimes authorities identify them,
17 Palestinian Authority, Israelis, American authorities,
18 European authorities, the European Union at one point was
19 trying to find Palestinian partner NGOs and did a survey to
20 try and make sure they were not funding Hamas NGOs. I have
21 met with all those types of people. And by reviewing material
22 found at the zakat committees, interviewing officials who have
23 conducted these studies, they are able to put together a
24 pretty clear picture.

25 Q. Do you also look at the leadership of the committee?

1 A. Clearly.

2 Q. For what purpose?

3 A. If the leadership of the committee is dominated by Hamas
4 members, that suggests the leaning of the committee. If not
5 that the committee itself is Hamas, that there are Hamas
6 people in a position of authority able to channel that
7 committee's activities towards their group.

8 Q. Have you ever visited a zakat committee?

9 A. I have never felt the need.

10 Q. Why not?

11 A. The material out there is so publicly available, there
12 have been so many studies done. I have met with officials who
13 have gone out there, Palestinians, Israelis, Americans,
14 Europeans. I don't feel the need to go and see with my own
15 two eyes every single institution out there that is relevant
16 to a particular group.

17 Q. You say that some zakat committees are involved in
18 non-charitable activities. Does that apply to every Hamas
19 zakat committee?

20 A. I haven't studied every Hamas zakat committee, but those
21 that I have studied are all involved in more than just
22 charitable activities.

23 Q. Have you researched individuals from zakat committees who
24 are engaged in supporting the military wing of Hamas?

25 A. I have.

1 Q. I am going to ask you some names and tell me if you
2 recognize the names. Okay.

3 A. Okay.

4 Q. Fadel Muhammad Salah Hamdan?

5 A. Fadel Hamdan was associated with the Ramallah zakat
6 committee north of Jerusalem, and was implicated in supporting
7 suicide bombings, including the July 1997 Mahane Yehuda
8 bombing I described earlier.

9 Q. Ahmed Sultana?

10 A. Ahmed Sultana was at one time the head of the Jenin zakat
11 committee farther north in the West Bank, and was implicated
12 in the early '90s in transferring bomb making materials for
13 Hamas and in a 1993 car bombing.

14 Q. Fawaz Hamdan?

15 A. Fawaz Hamdan was also involved with the Jenin zakat
16 committee, as well as the al-Ghazi Hospital that the Jenin
17 zakat committee was tied to. He was implicated in aiding
18 Hamas fugitives who were running from authorities and in
19 funding weapons purchases.

20 Q. Jammal Tawil?

21 A. Jammal Tawil was actually a member of the Hamas Qassam
22 Brigade, the terrorist wing, who was having a hard time
23 getting money in from the Hamas leadership in Damascus, and at
24 their suggestion opened up a branch of al-Islah Charity in the
25 Ramallah region for the express purpose of laundering money

1 into the West Bank under the title of charity but for the
2 military wing.

3 Q. Khalil Dar Rashed?

4 A. Rashed was affiliated with the Orphan Care Society in
5 Bethlehem and sheltered Hamas terrorists, including Muhi a-Din
6 a-Sharif, who was a Hamas bomb maker, as well as Hassan
7 Salameh, who was the organizer for the string of suicide bus
8 bombings we discussed earlier in late February and early March
9 1996.

10 Q. You talked about -- what services Hamas social wing
11 provides to the Palestinian people and the purpose of that.
12 Have you seen instances where the Palestinian population have
13 returned the favor, I guess as a way of describing it, or
14 indebtedness that they owe to Hamas?

15 A. There are many cases like that. And it is human nature.
16 If someone supports you, you are going to want to do something
17 back in return. Often these people don't necessarily know
18 that they are doing something for the military wing, but if
19 Hamas approaches someone saying, "You are a taxi driver. Next
20 time you go north in the West Bank, will you take this
21 package," or "Here is a brother who needs a roof over his
22 head; you won't ask if he is a fugitive." Those are both
23 examples that were given to me by Palestinian authorities, for
24 example.

25 Q. In your opinion would Hamas be as successful as it has

1 been if it did not have a social wing?

2 A. Absolutely not.

3 Q. I want to turn your attention to the political wing,
4 which is the top of the triangle. You already testified that
5 Khalid Mishal and Mousa Abu Marzook are the top two leaders of
6 the political wing. Can you discuss some more how the
7 political wing operates?

8 A. There is this shura or consultative council, at the top
9 of which is Khalid Mishal and Mousa Abu Marzook. Several
10 other senior Hamas leaders based in Damascus are on this
11 council, and they each have responsibility for different
12 things--social welfare activity, media activity, military
13 activity, liaison to other groups. And then in the West Bank
14 and Gaza there will be local leaders and there will be local
15 consultative councils with similar committees--media
16 committees, military committees, financial committees. And
17 they will report, as in any bureaucratic structure, you know,
18 the local committee will report to the senior committee.

19 Q. It sounds like Hamas requires a lot of money to operate.
20 Would that be a fair statement?

21 A. It does.

22 Q. Do they get this money from the local Palestinian
23 population?

24 A. They get some from local Palestinian population, but very
25 little. We are talking about a population that in general

1 doesn't have a lot of money to give.

2 Q. So where do they get most of the money from?

3 A. They get their money from foreign donations; in part from
4 some countries that support them, in particular Iran, and to a
5 lesser extent Syria. Syria provides safe haven for their
6 leaders and that type of support more than it does financial
7 support. And they get the majority of their funding through
8 charitable donations, collected worldwide, whether here in the
9 United States or Europe, elsewhere in the Middle East,
10 funneled through the zakat committees.

11 Q. How does Hamas view the United States?

12 A. Not positively. It views the United States as a
13 supporter of Israel. It views the United States as a
14 supporter of the two-state compromise solution, which it
15 expressly opposes. It sees the United States as imposing this
16 compromise on the Palestinians when, in their view, the
17 Palestinians should not be compromising but should be
18 establishing a Palestinian Islamist state in all of historic
19 Palestine.

20 Q. How about in terms of money does it view the United
21 States?

22 A. Hamas believes it has been very successful in raising
23 money the United States and sees the United States as somewhat
24 of a cash cow.

25 Q. You testified yesterday about the Hamas charter, you

1 talked about economic jihad being the responsibility -- or
2 jihad being the responsibility of every Muslim, per the
3 charter.

4 A. Yes.

5 Q. Would that be every Muslim worldwide?

6 A. Yes.

7 Q. Would that include Muslims in the United States?

8 A. Yes.

9 Q. Okay. As someone who studies Hamas and terrorist
10 organizations, do you study also the designation lists by the
11 United States?

12 A. I do.

13 Q. And what are the designation lists?

14 A. The United States government will identify particular
15 groups, foreign groups, and designate or list them on a list
16 of terrorist groups, and that has certain repercussions. And
17 then there is -- That is a list that is maintained by the
18 State Department called the foreign terrorist organization
19 list.

20 And then there is another list which is managed by the
21 Treasury Department, specially designated terrorists, and it
22 targets individuals or organizations, not just the overall
23 terrorist group, and those can be people outside or inside the
24 United States.

25 Q. Which list came out first?

1 A. The Treasury list came out first in 1995. The State
2 Department list came out in 1997.

3 Q. Was Hamas on both those lists?

4 A. Charter member of each list.

5 Q. If you can turn to the documents in front of you, the
6 first one should be marked Designation 2. Do you have that?

7 A. Yes.

8 Q. What is that document? Do you recognize that document?

9 A. I do.

10 Q. What is that document?

11 A. This is the Presidential Executive Order 12,947 in the
12 Federal Register prohibiting transactions with terrorists who
13 threaten to disrupt the Middle East peace process.

14 Q. Is this one of those lists you are talking about or the
15 item that creates one of those lists?

16 A. Exactly.

17 Q. Which list would this be creating?

18 A. This is the special designated terrorist list.

19 Q. Who administers the list?

20 A. Treasury.

21 Q. When did this come out?

22 A. This came out in 1995.

23 Q. Has the list grown since it came out in 1995?

24 A. It has.

25 MR. JONAS: Your Honor, at this time I offer into

1 evidence Designation 2.

2 MR. CLINE: No objection.

3 THE COURT: Admitted.

4 MR. JONAS: If we can put that on the screen, page 1
5 first.

6 Q. (BY MR. JONAS) That is the item on the screen, Doctor
7 Levitt?

8 A. Yes.

9 MR. JONAS: If you can turn to the second page.

10 Q. (BY MR. JONAS) Doctor Levitt, do you see the paragraph
11 that starts "I, William J. Clinton"?

12 A. I do.

13 Q. Just read that paragraph.

14 A. "I, William J. Clinton, President of the United States of
15 America, find that grave acts of violence committed by foreign
16 terrorists that disrupt the Middle East peace process
17 constitute an unusual and extraordinary threat to the national
18 security, foreign policy, and economy of the United States,
19 and hereby declare a national emergency to deal with that
20 threat."

21 Q. Doctor Levitt, just so we are clear, this isn't the
22 actual specially designated terrorist list itself, is it?

23 A. No. This is the announcement that the government is
24 required to publish in the Federal Register.

25 Q. Is this the first time that any organization or

1 individual was designated as a specially designated terrorist
2 when this list came out, this document?

3 A. I believe it was.

4 Q. This was January 23rd, 1995?

5 A. January 25th.

6 Q. 25th. Sorry.

7 MR. JONAS: Can you turn to the fourth page, please?

8 Q. (BY MR. JONAS) And what is the title of that page?

9 A. This is an annex of terrorist organizations which
10 threaten to disrupt the Middle East peace process.

11 Q. Is Hamas on this list?

12 A. It is.

13 Q. Are there also Israeli or Jewish extreme terrorist
14 organizations on the list?

15 A. Yes.

16 Q. Would this list be considered sort of -- You said charter
17 member Hamas. Is this the charter club for specially
18 designated terrorists?

19 A. This is they.

20 Q. And from here over time were names or groups added?

21 A. Yes.

22 Q. If we can turn to the next document in front of you, it
23 should be marked Designation 4. Do you have that?

24 A. Yes.

25 Q. Okay. And what is that document?

1 A. This is a certified copy of one of the designations, the
2 Treasury designations.

3 MR. JONAS: Your Honor, I offer into evidence
4 Designation No. 4.

5 MR. CLINE: No objection.

6 THE COURT: Admitted.

7 Q. (BY MR. JONAS) Doctor Levitt, who is the United States
8 designating with this?

9 A. Mousa Abu Marzook.

10 Q. Who is he then?

11 A. He is the deputy head of the Hamas Political Bureau.

12 Q. Doctor Levitt, is he the gentleman on the top of the top
13 three on the far right?

14 A. Top right, yes.

15 Q. When was Mousa Abu Marzook designated as a terrorist?

16 A. August 16th, 1995.

17 Q. Was this several months after the original designation
18 came out by the President?

19 A. Correct.

20 Q. Okay. Do you have before you what has been marked --

21 MR. JONAS: One moment, Your Honor.

22 Q. (BY MR. JONAS) Do you have you before what is marked
23 Designation No. 5?

24 A. I do.

25 Q. What is that document?

1 A. This is a certified copy of the designation of Sheikh
2 Ahmed Yassin.

3 MR. JONAS: Your Honor, at this time I offer into
4 evidence designation No. 5.

5 MR. CLINE: No objection.

6 THE COURT: Admitted.

7 MR. JONAS: If you will put that on the screen,
8 please.

9 Q. (BY MR. JONAS) And when did this -- When was Sheikh
10 Yassin designated?

11 A. January 23rd, 1995.

12 Q. Was that right about the time Hamas was designated
13 itself?

14 A. Yes.

15 Q. And again, on this chart of Hamas leaders in the 1990s,
16 Demonstrative No. 17, is Sheikh Yassin the gentleman in the
17 middle top?

18 A. Top middle, yes.

19 Q. On the designation list run by Treasury that we have been
20 discussing the past few minutes, that came out originally in
21 1995 with the President executive order, and then we just
22 talked about Marzook and Yassin, is there distinction in terms
23 of enforcement ability by the United States between that type
24 of list and the other list you talked about earlier that is
25 run by the State Department?

1 A. Two things. The first is that the State Department list,
2 the foreign terrorist organization list, is just that. It can
3 only target foreign terrorist organizations; whereas this list
4 can target individuals and organizations not just the kind of
5 macro level terrorist organization but component parts, and
6 also can target persons and entities in the United States.

7 Q. And what about in terms of enforcement? Is there a
8 distinction?

9 A. The foreign terrorist organization designation makes it
10 illegal to provide material support to those organizations.
11 The Treasury list enables the government to freeze assets
12 belonging to listed individuals or entities, and to block
13 transactions to or from those persons or entities.

14 Q. All right. If you have before you the last document, it
15 is entitled Federal Register. That is the exhibit name. Do
16 you have that?

17 A. Yes.

18 Q. Do you recognize that document?

19 A. Yes.

20 Q. What is that?

21 A. This is the Federal Register for October 8th, 1997,
22 notice from the Department of State the designation of foreign
23 terrorist organizations, the list of FTOs, foreign terrorist
24 organizations.

25 MR. JONAS: Your Honor, at this time I offer into

1 evidence Government's Exhibit Federal Register.

2 MR. CLINE: No objection.

3 THE COURT: Admitted.

4 Q. (BY MR. JONAS) And is Hamas on that list, Doctor Levitt?

5 A. It is.

6 Q. Was this the original first list to come out of foreign
7 terrorist organizations?

8 A. Yes.

9 Q. When did this come out?

10 A. This is dated October 8th, 1997.

11 Q. Doctor Levitt, I want to go back to something you said a
12 few moments ago before we talked about the designations. I
13 asked you where the money comes from for Hamas, and I asked
14 you about the Palestinian population, whether it comes from
15 any of them, and you said that they don't have a lot of money.
16 Would you say that there is a desperate need among the
17 Palestinian population?

18 A. Overall, yes.

19 Q. Does Hamas take advantage of this desperate need?

20 A. Absolutely.

21 Q. How so?

22 A. Hamas on the one hand does provide charity and services,
23 but Hamas' attacks in the first instance are the primary
24 reason peace has not been achievable, they are the key reason
25 that violence continues and that the Palestinian economy has

1 not grown, and just recently, for example, now that Hamas is
2 in control of Gaza, Gazans are much more poorer off than
3 Palestinians in the West Bank. And when Israel under
4 international pressure, mostly from the United States, opened
5 up or tried to open up a crossing point to deliver food and
6 medicine and humanitarian aid, Hamas shelled the crossing with
7 mortars and rockets, and the only people that suffered from
8 that where are the Palestinians.

9 MR. JONAS: One moment, Your Honor.

10 Your Honor, I will pass the witness.

11 THE COURT: Okay.

12 CROSS EXAMINATION

13 By Mr. Cline:

14 Q. Good afternoon, Doctor Levitt.

15 A. Good afternoon.

16 Q. I want to ask you questions about the last part of your
17 examination there, the designation process and the list.

18 Okay?

19 A. Okay.

20 Q. You testified a little bit about the process by which
21 people and organizations can be designated by the United
22 States as terrorists. Correct?

23 A. Correct.

24 Q. And I want to go through the ways that can happen. One
25 way is that you can be designated under Executive Order

1 12,947, which just came into evidence, as a specially
2 designated terrorist. Correct?

3 A. That is one.

4 Q. And that is also known as an SDT?

5 A. Specially designated terrorist or SDT, yes.

6 Q. All right. Another way that a person can be, or an
7 organization, can be designated as a terrorist is under
8 Executive Order 13,224 as a specially designated global
9 terrorist. Right?

10 A. Correct.

11 Q. And that is an SDGT?

12 A. Correct.

13 Q. Okay.

14 A. It gets complicated.

15 Q. A lot of acronyms there.

16 A. That is government for you.

17 Q. Yeah. A third way that an organization can be designated
18 as a terrorist is by the State Department as a foreign
19 terrorist organization. Correct?

20 A. Correct.

21 Q. And that is also known as an FTO. Right?

22 A. Correct.

23 Q. Now, regardless of which of those three ways a person or
24 an organization is designated, they get put on a list
25 maintained by the Treasury Department called a specially

1 designated national and blocked persons list. Correct?

2 A. If they are on the Treasury list.

3 Q. Well, they get on there if they are on the State
4 Department list as well as FTOs, do they not?

5 A. I think most FTOs are on the Treasury list, but I don't
6 think it is necessarily automatic that something on the State
7 list ends up blocked as well. The State Department authority
8 is not a blocking authority. Only Treasury's is a blocking
9 authority.

10 Q. I am going to show you some examples here in a minute,
11 and I think we will see instances where the FTOs are on the
12 Treasury list as well. Okay?

13 A. That is my point. They have to be on the Treasury list
14 as well.

15 Q. They end up on the Treasury list as well. Correct?

16 A. Again, if they are so listed -- It is not automatic. You
17 don't get designated by State. Treasury has to list you as
18 well. State's list does not include blocking or freezing
19 authorities.

20 Q. I think we are saying the same thing.

21 A. Okay.

22 MR. CLINE: May I approach the witness, Your Honor?

23 THE COURT: Yes.

24 Q. (BY MR. CLINE) Mr. Levitt, I want to show you what has
25 been marked as Defense Exhibit 963, and it is a version of the

1 Treasury list from June 29th, 2001. And I am -- I don't have
2 a bunch of copies of this because it is so big, but I am going
3 to show you a copy of this and have you identify it. All
4 right? I just want you to tell me if this is the Treasury
5 list from June 29th, 2001?

6 A. This looks like a print-up of the list from Westlaw, one
7 of the legal databases. I mean, do you want me to flip --

8 Q. No. I just want you to identify it.

9 MR. CLINE: Your Honor, I move this version of the
10 list from June 29th, 2001 into evidence.

11 THE COURT: Mr. Jonas.

12 MR. JONAS: No objection.

13 THE COURT: Admitted.

14 Q. (BY MR. CLINE) And just to orient you, Doctor Levitt,
15 the reason I picked June 29th, 2001 is that the latest
16 transaction in the indictment is June 14th, 2001. So the
17 times are close. Are you with me?

18 A. Gotcha.

19 Q. All right. What I would like to do is just pick a couple
20 of examples from this list. And by the way, although I
21 printed this from a legal website, the Treasury Department
22 maintains this list on its website. Correct?

23 A. It does.

24 Q. It is publicly available?

25 A. It does. It might not be that version. There would be

1 an updated version if we were to go on today, but it would be
2 an updated version of this list.

3 Q. Right. And in fact what happens is, as new persons and
4 new organizations get added to the list, the list is regularly
5 updated. Correct?

6 A. Correct. And you can still see when someone was added to
7 the list, but it will be the full list.

8 Q. Right. And so, for example, if we were to pull up the
9 list today, it would be considerably larger than the list I am
10 holding in my hands, Exhibit 963, because a number of persons
11 and organizations have been added over the years. Correct?

12 A. There have been more added, yes.

13 Q. All right. Now, I just want to show one example from
14 this list. I would like to zoom in on this.

15 All right. Now, Doctor Levitt, do you see at the bottom
16 of that page the listing for Hamas.

17 A. I do.

18 Q. And it includes, of course, the name Hamas. Right?

19 A. Yes.

20 Q. And then there are a number of other names by which Hamas
21 is known. Correct?

22 A. Some of them; by no means all.

23 Q. But some of the names by which Hamas is known. Correct?

24 A. Correct.

25 Q. And then if you look at the very end of the Hamas entry,

1 you see some initials. Correct?

2 A. You are referring to SDT and FTO.

3 Q. Right. You see SDT, which indicates that as of 2001
4 Hamas had been designated a specially designated terrorist.
5 Correct?

6 A. Correct.

7 Q. And you see FTO, and that indicates that as of June 29th,
8 2001 Hamas had been designated a foreign terrorist
9 organization. Correct?

10 A. Correct.

11 Q. Now, since June 29th, 2001, Hamas has also been
12 designated a specially designated global terrorist. Right?

13 A. Yes.

14 Q. And so if you looked at a current version of this list,
15 you would see in that bracketed space at the end SDGT as well.
16 Correct?

17 A. I don't know if what you would see is SDGT instead or in
18 addition to SDT. I don't know if the new 2001 list superseded
19 and included this or if they are separate.

20 Q. In any event, you would see SDGT. Correct?

21 A. You should, yes.

22 Q. And if one were to pull up the Treasury Department list
23 on the website where it is publicly available, one would see
24 an updated version of the Hamas entry. Correct?

25 A. Updated with the SDGT; and again, it may have SDT there

1 also. I don't know.

2 Q. All right. Just to take another example, that was page
3 59 of Defense Exhibit 963. I just want to show you another
4 example because you talked about Mousa Abu Marzook. Correct?

5 A. Yes.

6 Q. And he was designated an SDT, I think you testified, on
7 August 16th, 1995. Right?

8 A. I think that is the date, yes.

9 Q. All right. So let me show you page 3 of the exhibit.
10 And about a third of the way down the page you see the name
11 Abu Marzook. Correct?

12 A. Correct.

13 Q. And again, it has got some AKAs, some other names by
14 which Mr. Marzook was known. Correct?

15 A. Correct.

16 Q. And then at the end in brackets you have SDT. Right?

17 A. Correct.

18 Q. And that stands for specially designated terrorist.
19 Right?

20 A. Correct.

21 Q. And you know from that bracketed set of initials that Mr.
22 Marzook was designated under Executive Order 12,947. Right?

23 A. Correct.

24 Q. Okay. And if we were to look at the current version of
25 the list, you would find Mr. Marzook's name, he would likely

1 have an SGTD there. Correct?

2 A. Because he has been designated under that newer
3 authority, yes.

4 Q. Right. And that happened evidently sometime after June
5 29, 2001. Correct?

6 A. Correct.

7 Q. And again, this is something that anybody could pull up
8 on the Treasury Department website and find. Correct? The
9 current version, I mean.

10 A. The current version, and it is slightly different than
11 the version you have pulled up here in part, I think, because
12 the dates are there next to each of those initials. So it
13 would tell you, for example, that he was designated an SDT in
14 '95, for example, and FTO in '97.

15 Q. The formatting may be a little different on the website,
16 it may have some additional information, but the names would
17 be there on the website. Correct?

18 A. They should be there.

19 Q. All right. Now, we just talked about Mr. Marzook and the
20 fact that he was designated in August of '95. Correct?

21 A. Yes.

22 Q. Now, Sheikh Yassin, the founder of Hamas, I think you
23 testified was designated in January of 1995. Correct?

24 A. Correct.

25 Q. As an SDT?

1 A. Correct.

2 Q. So, again, if one were to look at this list, one would
3 find Sheikh Yassin designated as an SDT, and perhaps now as an
4 SDGT as well. Correct?

5 A. Correct.

6 Q. And some other Hamas figures have been designated over
7 the years as well. Correct?

8 A. That is right.

9 Q. Khalid Mishal was designated an SGDT. Correct?

10 A. That is right.

11 Q. Specially designated global terrorist. Abdel Aziz
12 Rantisi was designated, was he not?

13 A. He was.

14 Q. These are people who are on your chart here. Correct?

15 A. That is right.

16 Q. Ahmad al-Alami has been designated?

17 A. That is right.

18 Q. And then in addition to these individuals that have been
19 designated, certain organizations that the U.S. government
20 considers to be part of the Hamas funding network have been
21 designated as well. Correct?

22 A. Fewer, but yes, there have been some.

23 Q. And among the ones that have designated, there is an
24 organization called Interpal. Right?

25 A. That is right.

1 Q. CBSP, al-Asqa, Sanabil, those are names that you know.

2 Correct?

3 A. Correct.

4 Q. And those entities have been indicated as SGDTs. Right?

5 A. That is right.

6 Q. Now, are you familiar with an organization called the
7 al-Salah Society?

8 A. Yes.

9 Q. And that is a charitable society that is located in Gaza.
10 Correct?

11 A. It is located in Gaza. It is involved in charity.
12 According to the U.S. government it has been involved in other
13 activities for Hamas as well.

14 Q. And that is what I am about to get to, in fact. The
15 al-Salah Society was designated last August, August 2007, as
16 an SDGT. Correct?

17 A. Yes. I am not -- I don't have the date at my fingertips.
18 It sounds right.

19 Q. Al-Salah was designated as a specially designated global
20 terrorist. Is that right?

21 A. That is right.

22 Q. And you were aware of that when it happened, or very
23 shortly afterwards?

24 A. Yes.

25 MR. CLINE: May I approach, Your Honor?

1 THE COURT: Yes.

2 Q. (BY MR. CLINE) I want to hand you what I have marked as
3 Defense Exhibit 1052, which is the Treasury Department
4 announcement of the designation of Al-Salah Society. Do you
5 recognize that?

6 A. Yes, I do. This is the print --

7 MR. CLINE: Your Honor, I offer this.

8 THE WITNESS: Pardon?

9 MR. CLINE: I am talking to the Judge.

10 Your Honor, I offer this into evidence.

11 MR. JONAS: No objection.

12 THE COURT: Admitted.

13 Q. (BY MR. CLINE) This was a release that was put out by
14 the Treasury Department on August 7th, 2007 reporting the
15 designation of the al-Salah Society. Correct?

16 A. Correct.

17 Q. And if you look at the second paragraph, there is a
18 statement there by the director of the Treasury Department
19 Office of Foreign Assets Control, or OFAC. Right?

20 A. That is right.

21 Q. And that man's name is Adam Szubin. Is that right?

22 A. That is right.

23 Q. At the end of that paragraph Mr. Szubin, the head of the
24 Office of Foreign Assets Control says, "Today's action alerts
25 the world to the true nature of al-Salah and cuts it off from

1 the U.S. financial system." Correct?

2 A. Correct. It is only half the statement, though. The
3 other half is that Treasury is warning that al-Salah Society,
4 as have many other charitable fronts, has been used by Hamas
5 to finance its terrorist agenda.

6 Q. Right. "Hamas has used the al-Salah Society, as it has
7 many other charitable fronts, to finance its terrorist
8 agenda." Correct?

9 A. Correct.

10 Q. And he goes on to say, "Today's action alerts the world
11 to the true nature of al-Salah and cuts it off from the U.S.
12 Financial system." Correct?

13 A. Yes.

14 Q. And in fact, the designation of al-Salah criminalized
15 American donations to that organization. Correct?

16 A. It enabled us to freeze its assets, yes.

17 Q. Well, I want to be specific. The designation of al-Salah
18 criminalized American donations to that organization. Right?

19 A. In effect, yes. This is the Treasury designation, which
20 enables blocking and freezing, but by publicly outing, if you
21 will, al-Salah as Hamas, and since Hamas is on the FTO list,
22 which makes it illegal to provide material support to Hamas or
23 components of Hamas, that would be criminal. It is kind of a
24 one plus one equals two.

25 Q. So the designation of al-Salah criminalized American

1 donations to al-Salah. Correct?

2 A. In effect, yes.

3 Q. And the designation of al-Salah also officially informed
4 banks and donors of the organization's ties to and activities
5 on behalf of Hamas. Correct?

6 A. Correct. And also highlighted banks and the donor and
7 charitable communities that Hamas has other charities that do
8 the same.

9 Q. In August 2007 this was. Correct?

10 A. Yes.

11 Q. But in particular this designation officially informed
12 banks and donors of the organization of the organization's
13 ties to and activities on behalf of Hamas. Correct?

14 A. That is right.

15 Q. Now, you are aware, are you not, that the indictment in
16 this case alleges financial transfers to a series of
17 particular zakat committees and charitable societies in the
18 West Bank. Correct?

19 A. Excuse me. Yes, I am.

20 Q. And I want to go through these. It may be that we can
21 speed this up after we start, but I just want to go through
22 them one by one and ask you some questions about each one.

23 Let me start with the Qalqilya zakat committee. Okay.

24 A. Uh-huh.

25 Q. Did the name of the Qalqilya zakat committee appear on

1 the Treasury Department list at any time before June 14th,
2 2001, which I am using because it is the last transaction in
3 the indictment?

4 A. No. Of course, that is not the only way for people to be
5 aware of Qalqilya ties to Hamas, but it is not on that
6 particular list.

7 Q. I take it the answer is no, the name is not on the list.

8 A. That is what I said.

9 Q. Does the name of the Qalqilya zakat committee appear on
10 the Treasury Department list today?

11 A. No.

12 Q. The Islamic charity society of Hebron. Does that name
13 appear on the list -- Did it appear on the list as of June
14 14th, 2001?

15 A. No.

16 Q. And it doesn't appear there today either. Correct?

17 A. No.

18 Q. I will go through the rest of them correctively, and
19 let's see if the answers are the same. Okay? The Tulkarm
20 zakat committee, the Nablus zakat committee, the Ramallah
21 zakat committee, the Jenin zakat committee, and the Islamic
22 Science and Culture committee, is it fair to say that the
23 names of none of those organizations appeared on the Treasury
24 Department list as of June 14th, 2001?

25 A. Those names do not.

1 Q. And today they don't appear on that list either.

2 Correct?

3 A. Correct.

4 Q. Were the names of any members of the board of any of
5 those zakat committees that I have named to you, did the names
6 of any of the board members of those zakat committees appear
7 on the Treasury Department list as of June 14th, 2001?

8 A. Not to my knowledge, though, as you said, it is a very
9 big list, but I don't think so.

10 Q. And today?

11 A. Same.

12 Q. Not to your knowledge?

13 A. Correct.

14 Q. And a few minutes ago you identified, I can't recall the
15 names, but four or five people that you say are associated
16 with certain zakat committees. I think one of them was
17 Ramallah one of them was Jenin. Do you remember that?

18 A. Correct.

19 Q. Did the names of any of those people, or did they as of
20 June 14th, 2001, appear on the Treasury Department list?

21 A. No.

22 Q. Okay. Thank you.

23 MR. CLINE: That is all my questions.

24 THE COURT: Ms. Hollander?

25 CROSS EXAMINATION

1 By Ms. Hollander:

2 Q. Good afternoon, Doctor Levitt.

3 A. Good afternoon.

4 Q. I have several different areas to ask you about.

5 First of all, kind of where you left off with the
6 Prosecutor, you have spoken and written about the desperate
7 need in Palestine, haven't you?

8 A. I have.

9 Q. Okay. That is not a question even in dispute, is it?

10 A. Not in my mind.

11 Q. Okay. And to be a little more specific, since we all
12 might conjure up different ideas of what desperate need is, in
13 your book -- This book, and I am referring not to your newest
14 book but to the book Hamas at the moment, this book was
15 published in 2006, and it covered a time period before then,
16 obviously.

17 A. Yes.

18 Q. Okay. At the time you wrote that book, you said, and I
19 believe you would agree, "That the unemployment are rate in
20 the West Bank and Gaza actually would rise as high as over 33
21 percent." Correct?

22 A. Yes.

23 Q. And that three-fourths of the population, three-fourths
24 of the Palestinian population lived below the poverty line of
25 \$2 a day. Correct?

1 A. Correct. And I don't remember what the time frame on
2 that was, but --

3 Q. It was in that time period the '90s to 2002, I believe.

4 A. By definition it had to be before 2006, but the numbers
5 are accurate.

6 Q. The numbers are accurate?

7 A. Yeah, for whatever the time frame was I laid out in the
8 book. Sometimes Palestinians could fare fairly well, and
9 sometimes Palestinians didn't do very well.

10 Q. Let's go by what you said in your book, then, and I will
11 quote, "With the struggling economy and limited employment
12 opportunities, it is not surprising that by 2004 approximately
13 three-fourths of the Palestinian population living in the West
14 Bank and Gaza survived below the poverty line of \$2 a day."

15 A. In 2004 at the height of Hamas attacks that is not
16 surprising.

17 Q. I don't believe I asked you about Hamas attacks right
18 now. You have talked about those, and you will get plenty of
19 opportunity to talk about them again. But right now we are
20 talking about the desperate need, and if you would just answer
21 my questions, I would appreciate it.

22 A. It explains the desperate need. Let's not be facetious.

23 Q. Who occupies -- What is the occupying country of the West
24 Bank? What is the country that occupies the West Bank?

25 A. Israel occupies parts of the West Bank and the

1 Palestinian Authority is in control of parts of the West Bank.

2 Q. And as the country that occupies the West Bank, and until
3 2005 Israel occupied the West Bank and Gaza. Correct?

4 A. That is right.

5 Q. Now, it has occupied them since 1967. Correct?

6 A. That is right.

7 Q. And it has an obligation to provide for the people in the
8 country that it occupies, does it not?

9 A. I believe so.

10 Q. And you would agree with me that it has failed to do so,
11 hasn't it?

12 A. It has done better sometimes than others, but overall I
13 think the Palestinian suffering speaks for itself. There has
14 been a failure to provide for them.

15 Q. And that failure -- Part of that failure comes from
16 Israel, doesn't it?

17 A. There is --

18 Q. That is accurate?

19 A. There is plenty of blame to go around, including Israel.

20 Q. And in fact, you wrote that as of 2003, 30 percent of the
21 Palestinian children under the age of five suffer from chronic
22 malnutrition. Correct?

23 A. That sounds right.

24 Q. And 28 percent of the children under the age of five
25 suffer from acute malnutrition. Correct?

1 A. Yeah. I don't have the book in front of me, but this
2 sounds accurate.

3 Q. Will you take my word for it, or do you want me to read
4 it to you.

5 A. It sounds like you are reading it already. I will take
6 your word for it.

7 Q. And in 2001 the infant mortality rate in Gaza was
8 estimated to be 40 deaths per live births [sic] by the
9 Palestinian Ministry of Health Officials. That is what you
10 wrote. Okay?

11 A. Is that a question?

12 Q. Yes. That is correct. Correct?

13 A. Again, that sounds like what I wrote.

14 Q. If you wrote it, you believed it be accurate. Correct?

15 A. A hundred percent. I just don't have the book in front
16 of me to see that you are representing it properly.

17 Q. Would you like to look at it?

18 A. If you are going to ask me to verify quotations from the
19 book, then yes, I would like to have --

20 MS. HOLLANDER: May I approach, Your Honor?

21 THE COURT: Yes.

22 Q. (BY MS. HOLLANDER) Why don't you read this sentence,
23 please, starting right there.

24 A. "In 2001, palestinian Ministry of Health Officials
25 estimated that the infant mortality rate in Gaza was 40 deaths

1 per 1,000 live births."

2 Q. Did I read that correctly?

3 A. Yes.

4 Q. And you believed that to be accurate and that is why you
5 wrote it. Correct?

6 A. Right.

7 Q. And I believe you have testified previously that
8 throughout the period of the occupation the Israeli government
9 has consistently failed to provide essential services to the
10 Palestinians. Correct?

11 A. I think that is true. I don't remember the exact quote.

12 Q. Now, you are aware that the United Nations created the
13 organization we know as UNRWA, the United Nations Relief and
14 Works Agency, in 1948.

15 A. Correct.

16 Q. And that was to assist the refugees who left or were
17 driven out of Israel when the country was created. Correct?

18 A. All the refugees, including internal refugees.

19 Q. And when the Arabs, Palestinians, left Israel, at the
20 same time other people moved into Israel. Correct? In 1948?
21 In other words, Jews came from other countries into Israel
22 during that time period. Correct? And shortly after?

23 A. There has been immigration to Israel before and after.

24 Q. But Israel was created to be a homeland for the Jews,
25 wasn't it?

1 A. Correct.

2 Q. And in fact, to this day if someone can prove that one is
3 Jewish, one can become a citizen of Israel. Correct?

4 A. That is right.

5 Q. But that is not true of anyone else other than Jews, is
6 it?

7 A. Others can become citizens, but they don't have that
8 automatic, what is called Right of Return.

9 Q. Right of Return. Right. So anyone who is Jewish can
10 automatically become a citizen.

11 A. I believe so.

12 Q. But that automatic citizenship is limited to Jews.
13 Correct?

14 A. Correct.

15 Q. By the way, you worked at the Department of Treasury from
16 2005 to 2007. Correct?

17 A. That is right.

18 Q. Have you requested permission from the Department of
19 Treasury to testify here?

20 A. I am testifying only on my book, so I did not need to
21 request permission to testify since I am not testifying on
22 what I did in Treasury.

23 Q. You are not testifying about anything you did, so you
24 don't have to ask permission as long as you don't testify
25 about what you did during that year and a half. Is that

1 correct?

2 A. Correct.

3 Q. And you now work at the Washington Institute for Near
4 East Studies. Correct?

5 A. Near East Policy.

6 Q. Near East Policy. Sorry. Now, you are familiar with its
7 history, are you not?

8 A. I am.

9 Q. And you are familiar with a man named Martin Indyk. Did
10 I pronounce that correctly?

11 A. Ambassador Martin Indyk.

12 Q. He was an ambassador to Israel?

13 A. The U.S. ambassador to Israel and the U.S. Assistant
14 Secretary of State.

15 Q. And before he founded the Washington Institute, he worked
16 for something called the American-Israeli Public Affairs
17 Committee. Correct?

18 A. That is right.

19 Q. Now, that self-describes itself as a pro-Israel lobbying
20 committee. Correct?

21 A. That is what it is.

22 Q. That is what it is. Right?

23 A. Yes.

24 Q. And it is known as AIPAC. Right? Which is just --

25 A. That is its acronym.

1 Q. That is its acronym. And in fact, it says right on its
2 web page America's pro-Israel lobby. Right?

3 A. I don't frequent its web page, so I wouldn't know.

4 Q. But that wouldn't surprise you since that is what it is.
5 Correct?

6 A. Correct.

7 Q. And before he founded the institute where you work,
8 Ambassador Indyk had worked for AIPAC. Correct?

9 A. Correct. Although, let me correct you. He was not the
10 founder. He was described as the founding director, the first
11 director when it was founded.

12 Q. Okay. He was there when it started.

13 A. Correct.

14 Q. That would be fair, wouldn't it?

15 A. Yes.

16 Q. In fact, didn't the Washington Institute actually begin
17 as a room in AIPAC?

18 A. I don't know.

19 Q. Now, you also, I believe when you were in college, worked
20 as an intern for the Consul General of Israel?

21 A. I did.

22 Q. That was one summer, wasn't it?

23 A. It was a few weeks one summer, yes.

24 Q. And can you tell us what is a consul general, the Consul
25 General of Israel? What is that?

1 A. Many countries will have an embassy in another country's
2 capital, and they will have consulates in other cities, and
3 the representative of that country will be the consul general.
4 I interned one summer doing an analysis of media specifically,
5 not an a pro- or anti-israel issue when I was in graduate
6 school. Many of my fellow students were going to New York or
7 to Washington for their summer internships, which are required
8 for the school program.

9 I was blessed to be married and already have a child at
10 the time so didn't have the luxury of being able to travel, so
11 this was what I was able to do in the Boston area.

12 Q. So you chose to work for the Consul General of Israel.
13 Now, that person, do you recall -- Was it a man or woman?

14 A. I think it was a man.

15 Q. Do you remember his name?

16 A. I don't. To clarify, I didn't work there. It was an
17 unpaid part time internship.

18 Q. So you volunteered for the Consul General of Israel. But
19 the Consul General of Israel is a representative of the
20 government of Israel. Correct?

21 A. It is.

22 Q. And you chose to work for that government that summer.
23 Correct? For free?

24 A. Again, I didn't work for them. I did a research project
25 there.

1 Q. They didn't pay you, did they?

2 A. No.

3 Q. You were a volunteer.

4 A. I wouldn't describe myself as a volunteer because it
5 suggests I was doing work for them. It was a study for my
6 school done at the consulate general. That is where I did the
7 work.

8 Q. And you did the work at the office of the Consul General
9 of Israel.

10 A. That is right.

11 Q. That is a government office. Correct?

12 A. Yes.

13 Q. Now, you also said you are on the board of the
14 International Institute for -- the InterInterdisciplinary
15 Center. Is that correct?

16 A. I am on many boards. One of them is --

17 Q. I am asking you about this board. Are you on the board
18 of the InterInterdisciplinary Center?

19 A. I am getting there, if you will let me.

20 The Interdisciplinary Center has many schools. It is a
21 university. One of them is called ICT, which I think stands
22 for the International Institute for Counterterrorism.

23 Q. Is that what you are on the board of?

24 A. Exactly.

25 Q. Okay. So you reason the board of the International

1 Institute for Counterterrorism. And that is located in
2 Herzliya, which is a city in Israel, or --

3 A. A city in Israel. But again let me clarify. I am not on
4 their board. I am on their international advisory board.
5 They have an advisory board of international scholars,
6 including myself, who serve in an advisory capacity.

7 Q. And you told us that you were in Israel last week.
8 Correct?

9 A. Israel and the West Bank.

10 Q. Right. And in fact, one of the things you did was speak
11 at a conference in Israel last week, did you not?

12 A. I did.

13 Q. And that was a conference sponsored by the International
14 Institute for Counterterrorism. Correct?

15 A. That is right.

16 Q. And so you were there speaking on September 8th or 9th on
17 a panel. Correct?

18 A. Three panels, I think on the 9th and on the 11th.

19 Q. Now, you have also lectured for an organization called
20 The Jewish Federation. Correct?

21 A. That is right.

22 Q. And that is a fundraising organization for AIPAC.
23 Correct?

24 A. That would be news to me. The Jewish Federation is the
25 organization that coordinates fundraising of the Jewish

1 community for everything from local services, Jewish and
2 non-jewish, they do fundraising for Israel also, but I also
3 lecture for Arab think tanks and others as well.

4 Q. I didn't ask you what else you lectured for. Just answer
5 my questions. Okay?

6 My question was did you lecture for an organization
7 called the Jewish federation.

8 MS. HOLLANDER: Your Honor, could I just have a
9 minute to get one more document?

10 THE COURT: Sure.

11 Q. (BY MS. HOLLANDER) Now, you have also spoken at this
12 pro-Israel Jewish lobbying organization, AIPAC, have you not?

13 A. Often to an unhappy audience.

14 Q. My question was have you spoken at AIPAC. Is the answer
15 yes or no?

16 A. I think it is pretty clear the answer is yes.

17 Q. And you have spoken at several of their conferences,
18 haven't you?

19 A. I have, and often said things they didn't like.

20 Q. They paid for you, did they not, to come to their
21 conferences?

22 A. I hope so.

23 Q. Did they or didn't they?

24 A. Yeah.

25 Q. In fact, you spoke at three are AIPAC conferences within

1 the last year. Correct?

2 A. That I don't know.

3 Q. Well, you spoke at a conference for the American-Israel
4 Public Affairs Committee on March 11th, 2007. You are listed
5 as having a -- speaking there. Does that ring a bell?

6 A. Do you have a place? I am afraid the dates don't -- I
7 spoke at a conference they had in Washington, and I know I
8 spoke at a conference they had in Kansas City. Those were
9 probably both within the past year, but I don't remember the
10 dates.

11 Q. You spoke at one on June 2nd, 3rd, or 4th, 2008, just
12 this past spring. They don't actually say where they are.
13 That is kind of mysterious. And according to their web page,
14 you spoke also another time in 2007. So according to them,
15 you spoke at a policy conference in March of 2007, at the
16 AIPAC national summit in October of 2007, and at their policy
17 conference in June 2008. Does that sound right?

18 A. Again, I don't know the dates. Their policy conference I
19 have spoken at. I don't know if I have spoken at the one last
20 year. I did this year.

21 Q. You did this year?

22 A. I did this year, yes. And I spoke at one other event.

23 Q. Just to be clear on your expertise, because we have
24 talked about a lot of things here, you don't consider yourself
25 an expert in Islam, do you?

1 A. No.

2 Q. And you don't consider yourself an expert in the Quran
3 either, do you?

4 A. No.

5 Q. And you don't speak Arabic?

6 A. No.

7 Q. So when you talk to people who don't speak English, you
8 have to have a translator. Correct?

9 A. For those who don't speak English. Most do, so I
10 actually don't need a translator that often, but otherwise I
11 have a translator, yes.

12 Q. So the answer to my question was yes, when you speak to
13 people who don't speak English you have to have a translator.
14 Correct?

15 A. Correct.

16 Q. And you find the translators sometimes through
17 journalists. Correct?

18 A. Through journalists or the U.S. embassy.

19 Q. Right. But one of the ways -- Let me try it this way.
20 One of the ways you find translators is through journalists.
21 Is that correct?

22 A. Yes.

23 Q. Okay. Translators often double as what is called a
24 fixer, or someone who can arrange interviews. Correct?

25 A. Correct.

1 Q. So the word fixer isn't -- That is not a bad thing, is
2 it?

3 A. No.

4 Q. That is just a term that is used if someone who
5 translates and also helps set up interviews, or helps you get
6 around.

7 A. It is just a term of the trade, but it does not apply to
8 someone who translates. A fixer does not necessarily
9 translate.

10 Q. It could be a journalist.

11 A. No. A journalist would hire a fixer. A fixer is someone
12 from the local area who can help you get meetings with people
13 that you might not otherwise get a meeting.

14 Q. There is nothing bad about the name fixer.

15 A. No.

16 Q. Now, you mentioned just a few minutes ago that the
17 Palestinian Authority controlled some of Israel. I mean some
18 of Palestine, and that Israel controlled some of the West
19 Bank. Correct?

20 A. Correct.

21 Q. And I would like you to look at a map for me. You also
22 mentioned, I believe, on direct yesterday that after Oslo --
23 And we will talk some more about Oslo, but that the West Bank
24 was divided into three areas, Area A, Area B, and Area C.
25 Correct?

1 A. Correct.

2 MS. HOLLANDER: May I approach, Your Honor?

3 THE COURT: Yes.

4 MS. HOLLANDER: I move the admission of Defendant's
5 1013.

6 MR. JONAS: Your Honor, there is one issue on the
7 map that we have an objection to. Ms. Hollander says she is
8 not going to question Doctor Levitt -- Your Honor, we object
9 to the map. There are items on the map that we believe are
10 irrelevant.

11 THE COURT: Do you want to come up?

12 (The following was had outside the hearing of the
13 jury.)

14 MR. JONAS: This goes to the settlement issue the
15 Government raised last week. There are settlements marked on
16 this map that Ms. Hollander is going to question Doctor Levitt
17 about. The Government doesn't think these settlements are
18 relevant here.

19 MS. HOLLANDER: He talked about settlements in his
20 direct examination. I am going to ask about settlements.

21 MR. JONAS: He mentioned it briefly, but not in the
22 context to which she is getting into. I think it was a
23 passing comment. I think settlements it was in terms of
24 Israeli extremists who are also against the Oslo Accords.

25 MS. HOLLANDER: He talked about settlements. I

1 mean, the whole point of the occupation is that after the
2 occupation Israel moved its people in, and he said that the
3 Palestinians perceived that this --

4 THE COURT: And you want to ask about?

5 MS. HOLLANDER: I am really using this map for Area
6 A, B, and C, but I am going to ask him about settlements.

7 THE COURT: And what is your objection.

8 MR. JONAS: They are not relevant. It is not
9 relevant to whether these Defendants gave money to Hamas or
10 not.

11 THE COURT: You went into settlements some. I think
12 you are entitled to go into it some. I don't know where you
13 are going with it. I don't want you to spend a lot of time on
14 it.

15 MS. HOLLANDER: I am not, Your Honor, but it is an
16 issue having to do with both the intent and the hardship,
17 because the settlements took land from the Palestinian people.
18 He talked about that. And it also causes hardship because the
19 settlements then have roads, people have to go around them,
20 they can't get to where they are going, and they have
21 checkpoints, that he also talked about, and it is part of the
22 occupation. That is what it is all about, and there is now
23 400,000 Jewish people living in Palestine so they can't have a
24 two-state solution. So this is why one of the reasons people
25 get so upset.

1 THE COURT: I think when you start going there that
2 is irrelevant. That doesn't have anything to do with the
3 needs. We are getting into the politics.

4 MS. HOLLANDER: I will get into the hardship thing.

5 THE COURT: That is where we need to limit it. And
6 I think I am -- In listening to your opening statements, you
7 are going too far, some of the opening statements by counsel.
8 You keep saying this doesn't have anything to do with
9 politics, but the way you are presenting it, it has a lot to
10 do with politics. And this isn't about the politics. We told
11 every juror that this wasn't about the conflict and we weren't
12 going to get into that, but we are continually getting into
13 that. Every one of your opening statements went into that.

14 MR. DRATEL: This witness has done that for a day
15 and a half.

16 THE COURT: He is laying an overall framework for
17 what is happening.

18 MR. DRATEL: He is talking about two-state
19 solutions.

20 MS. HOLLANDER: Talking about Oslo.

21 THE COURT: But we are not getting into whether that
22 is viable or not because it doesn't matter. That has nothing
23 to do with this case. It has nothing to do with this case,
24 whether that is viable, whether they should support or not.
25 You are getting into the jury nullification issue they

1 brought up. And Ms. Moreno brought up into the Jewish Israeli
2 influence and American policy. That is what it goes to. We
3 are not here to question that policy. I don't want to get
4 into whether the peace accords are good.

5 MR. DRATEL: But what it is relevant to is the state
6 of mind of people's anger and frustration that is expressed
7 about the opposition.

8 THE COURT: You can go there without getting into
9 whether the two-state solution is viable or not.

10 MS. HOLLANDER: We are not going there.

11 THE COURT: That is what you were saying. You said
12 you were going to show why it is not viable because of the
13 number of people. That is what you said.

14 MS. HOLLANDER: I won't.

15 THE COURT: And there is plenty of reasons for them
16 to be angry with the Israelis without getting into all the
17 politics. Stay away from the politics.

18 MS. HOLLANDER: I will. I understand what you are
19 saying.

20 MR. JONAS: Your Honor, I am not knowing exactly
21 where the line is.

22 THE COURT: I don't know either. But I asked Jim
23 for a specific list and he still hasn't given me one yet.

24 MR. JONAS: I thought he had.

25 THE COURT: No. He gave me something, but it

1 doesn't give anything specific that he objects to.

2 MS. SHAPIRO: We have that.

3 THE COURT: He lists some general areas and then
4 again acknowledges that it is going to be proper and
5 appropriate to get into it some. So his solution was to
6 approach the bench every time you were going to get into it.
7 That is not where we left it. I had asked for something a
8 little more specific than that and he hasn't given that to me
9 yet. Go back and read that letter. He hasn't given it to me
10 yet.

11 So I am still -- I am not sure where we are, frankly, on
12 that issue, but I do think you are going too far. I know
13 that. I can already tell from your opening statements. And
14 so --

15 MS. HOLLANDER: I will be careful, or try to be.

16 THE COURT: Well, I am addressing this to everyone.
17 We are not going to make this case about the politics, like we
18 told the jury that we weren't. So it is not going to be about
19 that. I understand the need. I think even that is pushing it
20 to some extent.

21 Nobody is arguing that there is need. Nobody is arguing
22 that there is need out there. And so all this other stuff, I
23 am still wondering as to the relevance of that, frankly,
24 because it just tends to inject the politics into it.

25 MS. HOLLANDER: He has made it look like -- I mean,

1 he has made it look like Hamas, you know, and we are not
2 justifying anything Hamas did --

3 THE COURT: Hamas is designated a terrorist
4 organization, so that is not disputed either.

5 MS. HOLLANDER: But it makes it look like it is all
6 on one side.

7 THE COURT: He didn't say that. He didn't say that.
8 He blames a lot of it on Hamas, no question, but he didn't say
9 that. He mentioned the extremist Jewish groups and then he
10 mentioned the Israeli problems, but -- And that is fine just
11 in passing, but I don't want to get too much into that because
12 you start into questioning the policy, and we are not here to
13 question the policy. That is there. They were designated.
14 And the only issue is -- There is not a question, there is
15 nobody debating a need. Nobody is debating that. Some kind
16 of aid was imminent. It centers on intent. So all this to me
17 is your way of trying to acknowledge -- Intent seems to be the
18 contested issues. What else do you see as a contested issue?

19 MS. CADEDDU: Designation.

20 MR. CLINE: Your Honor, I think relatedly there is a
21 really hotly contested issue whether these zakat committees
22 were not controlled by Hamas.

23 THE COURT: That goes to intent and knowledge,
24 because that is ultimately the issue. The Government's theory
25 is the money was getting to Hamas through these zakat

1 committees, and so whether they control or -- That is
2 knowledge, and this intent whether they knew, that is the
3 Government's theory.

4 MS. CADEDDU: There is also an issue whether they
5 were actually Hamas. If they are not actually Hamas --

6 THE COURT: I understand. But they are not
7 disputing that the zakat committees weren't designated. That
8 is not even an issue in dispute. He just testified --

9 MS. CADEDDU: Yes, it is.

10 THE COURT: You are taking the position that some of
11 them were?

12 MR. DRATEL: They are covered by a Hamas
13 designation.

14 THE COURT: But that is still -- Nobody is disputing
15 that. It still gets to intent and knowledge.

16 MR. CLINE: I think we will be able to work it out
17 with you.

18 THE COURT: Maybe. We will see.

19 MS. HOLLANDER: Just to be clear, Your Honor, just
20 so we are clear, a lot of my focus also goes to his bias. I
21 am trying -- I am trying -- I am probing his motive to
22 testify.

23 THE COURT: But we don't need to get into the
24 politics.

25 MS. HOLLANDER: I don't think we do.

1 THE COURT: But that is where you were heading.
2 That is the only thing I am saying. We don't want to go
3 there. That is the one --

4 MS. HOLLANDER: I will try not to.

5 THE COURT: And you all haven't helped, because I
6 have asked for specifics and you haven't given me anything.
7 And you agree with them that it is going to be necessary to
8 get into this in some areas. So I am not sure where that
9 leaves us.

10 MR. DRATEL: But it is the context --

11 THE COURT: It is all context. It wasn't their
12 context. That is part of the problem. When you start drawing
13 lines --

14 MS. HOLLANDER: I am trying to limit it to where he
15 was.

16 THE COURT: Let's limit it and see where we go.

17 (The following was had in the presence and hearing
18 of the jury.)

19 MS. HOLLANDER: I move admission of Defense 1013.

20 THE COURT: It is admitted, yes.

21 Q. (BY MS. HOLLANDER) Doctor Levitt, can you see this map?

22 A. Not great, but yes. We will make due.

23 Q. We will make it work?

24 A. We will make it work.

25 Q. You testified earlier that after Oslo the West

1 Bank -- And this is basically a map of the West Bank. Right?

2 A. The full gray with all of the other colors inside the
3 lima bean shape, that is the West Bank.

4 Q. That is the West Bank. Okay. I have to do this and be
5 at the -- Area A is the area that is supposedly in full
6 Palestinian control. Correct? Isn't that -- You said that
7 the major cities were in area A. Correct?

8 A. Right.

9 Q. Isn't that what you said?

10 A. Correct. Although we were talking about a specific time.

11 Q. We are talking about here, it has a date at the top,
12 1995. Okay? So at that time those were the areas that the
13 Palestinian Authority supposedly had control over the Area A,
14 those cities, Jericho, a small part of Jerusalem. Correct?

15 A. I can't read anything here. I am sorry.

16 Q. You know where Jericho is over near the Jordan River.
17 Right?

18 A. Right. Jericho is this red -- That is right. Thank you.

19 Q. Where my hand is?

20 A. There you go. And a variety of cities up and down the
21 kind of left hand side all in red.

22 Q. Where my hand is now is Nablus?

23 A. That is Nablus.

24 Q. And up at the top is part of Jenin.

25 A. It is a little bit past what we can see on the screen.

1 That probably Tulkarm and then Qalqilya below it.

2 Q. And then Ramallah?

3 A. Ramallah in the middle.

4 Q. And Bethlehem?

5 A. Bethlehem south of Jerusalem, and then part of Hebron.

6 Q. Part of Hebron. And that was what was considered the
7 part that the Palestinian Authority was to control with
8 Palestinian police and Palestinian services. Correct?

9 A. It was more than this, actually. This map is from 1995
10 and only depicts the cities.

11 Q. Right. I am talking about 1995 right after Oslo.

12 A. Yes.

13 Q. Okay. And Area B were Palestinian villages. Correct?
14 But they were not under full Palestinian control. Correct?

15 A. Correct. In other words, A, B, and C -- The distinction
16 really wasn't cities, villages, or settlement. It was how
17 much control the Palestinian Authority had.

18 Q. Correct. They had the most control over Area A.

19 A. Exactly.

20 Q. They had a little, some control over Area B. Correct?

21 A. Not security control, but they would have administrative
22 control run daily --

23 Q. But no security control.

24 A. Correct.

25 Q. And Area C, which is the vast part of this map, was under

1 Israeli control. Correct?

2 A. Correct.

3 Q. And in fact, isn't it true that even though the
4 Palestinian Authority had some control over these few spots in
5 Area A, the Israeli military could come into those areas, too,
6 if it chose to, could it not? And it did. Correct?

7 A. Again, we are going to need to talk about -- Are we
8 talking just 1995? Because things changed over time.

9 Q. I understand.

10 A. As did this map. In 1995 is the question?

11 Q. Well, let's talk about later the Israeli army did go into
12 areas on which this map are called Area A. Correct?

13 A. Correct. Later Area A is expanded, this map changed, and
14 after a series of violence and attacks the Israelis went back
15 in and re-took those areas.

16 Q. Right. So in fact it would be fair to say that Israel
17 had the ability to go back into the entire West Bank
18 throughout, and did at various times. Correct? That is what
19 it did. Correct?

20 A. Israel had the military capability to do things in the
21 area controlled at any time.

22 Q. That is right. That is the answer to my question. Thank
23 you.

24 A. Okay.

25 Q. Now, there are -- You talked a lot over the last day or

1 two about Hamas, and I want to ask you some other questions so
2 that we have a perspective about what was going on. There are
3 Jewish people in and out of Israel who believe that the entire
4 area, Israel and the West Bank, and Gaza probably, should all
5 be part of the final Israel. Correct?

6 A. There are people who believe that. There are also --

7 Q. That is my question.

8 A. It is a loaded question, but let's move on.

9 Q. And there are some Jewish people who believe actually
10 that God gave this land to the Jews. Correct?

11 A. Correct.

12 Q. And there are even some Jews who believe that they have a
13 religious requirement to make sure that they maintain -- that
14 Israel maintains this whole area. Correct?

15 A. We are talking about an extreme minority that is nowhere
16 near as active as Hamas, but yes, there are people.

17 Q. We all know what it is you want to say here, Doctor
18 Levitt, but it would be helpful if you would just answer my
19 questions for now. Okay?

20 There are -- Many of these people live in the
21 settlements. Correct? People that believe that Israel should
22 maintain the whole area. Correct?

23 A. There are people who live in the settlements who believe
24 this way.

25 Q. Now, you know who Benjamin Netanyahu is, don't you?

1 A. We mentioned him earlier. Yes.

2 Q. In fact, he was just on this program with you last week,
3 wasn't he? He was a keynote speaker.

4 A. I wasn't there. I don't know. I arrived after the
5 keynote session.

6 MS. HOLLANDER: May I approach, Your Honor?

7 THE COURT: Yes.

8 Q. (BY MS. HOLLANDER) Doctor Levitt, I took this off the
9 web so you can tell me if this is accurate.

10 A. Yes, this is accurate. You have the leader of the
11 opposition and the head of the European Union's
12 counterterrorism coordinator as the keynote speakers.

13 Q. So I am correct that Benjamin Netanyahu was one of the
14 keynote speakers at this seminar that you spoke at last week
15 in Israel. Correct?

16 A. That is right.

17 Q. And he is the former prime minister of Israel. Correct?

18 A. Correct.

19 Q. He actually won -- became prime minister in about 1996.
20 Correct?

21 A. Correct.

22 Q. And you talked about him earlier in his relationship to
23 the Oslo -- to Oslo. You talked about him earlier today.
24 Correct?

25 A. We talked about him earlier.

1 Q. Now, when he was elected, he actually won the popular
2 vote, so a majority of the people in Israel voted for him,
3 didn't they?

4 A. Yes.

5 Q. And he opposed the Oslo Accords, didn't he?

6 A. Yes.

7 Q. And he was one of the people -- He has a -- His political
8 party -- They don't have like republicans and democrats. They
9 have other names for their parties. Correct?

10 A. That is correct.

11 Q. And one of the names is the Likud party?

12 A. That is right.

13 Q. And that is Netanyahu's political party. Correct?

14 A. Correct.

15 Q. And the former Prime Minister Sharon was originally
16 Likud. Correct?

17 A. Originally, yes.

18 Q. And then he created another party.

19 Okay. The Likud party also has, like all political
20 parties, has a charter, doesn't it.

21 A. I presume, yeah.

22 Q. And the Likud charter says, "The Jordan valley and the
23 territories that dominate it shall be under Israeli
24 sovereignty. The Jordan River will be the permanent eastern
25 border of the state of Israel." That is the Likud charter,

1 isn't it?

2 MR. JONAS: Objection, Your Honor.

3 THE COURT: Sustained.

4 Q. (BY MS. HOLLANDER) Were you aware of the fact that
5 Benjamin Netanyahu and his party take the position, took the
6 position during Oslo that Israel shouldn't give up any land to
7 the Palestinians? Correct?

8 A. No. It is much more complicated than that, because even
9 under Netanyahu Israel gave up some land, I argued at the time
10 not enough, in Hebron, for example.

11 Q. But Netanyahu, when he ran for election, ran on a
12 campaign promise, which ultimately he couldn't keep, that he
13 wouldn't give up any land, didn't he?

14 A. I don't remember his campaign, but he ultimately did.

15 Q. Now, throughout this land -- You said on direct that the
16 Palestinians perceive -- You talked about the Zionists as
17 people who -- How did you define a Zionists? I don't want to
18 get this wrong.

19 A. I don't remember exactly what I said, but Zionism is the
20 ideology behind the creation of a Jewish homeland.

21 Q. And you stated that the Palestinians, some Palestinians
22 believe that the Zionists stripped them of their land.
23 Correct?

24 A. Correct.

25 Q. And in fact, there are many Jewish people now living in

1 the West Bank. Isn't that correct?

2 A. That is true.

3 Q. Hundreds of thousands. Correct?

4 A. I think it is 250,000.

5 Q. And these people live in settlements that are dotted
6 throughout the West Bank. Correct?

7 A. In primary settlement -- they call them settlement
8 blocks, so it is not quite throughout the whole area. And
9 many of the people who have come in the last several years are
10 in areas very close to what they call the green line that
11 separates the West Bank from Israel.

12 Q. Now, let me show you a map, because this might help.

13 MS. HOLLANDER: I move the admission of Defendant's
14 910.

15 THE COURT: No objection counsel?

16 MR. JONAS: No objection.

17 THE COURT: Admitted.

18 Q. (BY MS. HOLLANDER) I would just like you to explain
19 Doctor Levitt, a few things, because maybe it is not clear.

20 A. It is difficult to hear you. I am sorry.

21 Q. Okay. I will just imagine what the map looks like.

22 The Jordan River, I am going to go and point out where
23 the Jordan River is. That is right here. Correct?

24 A. Correct; right along the dotted line, borderline.

25 Q. And this kidney shaped area is the West Bank. Correct?

1 A. That is right.

2 Q. And the area we were just talking about with the previous
3 map, No. 1013, was that kidney shaped area. Correct?

4 A. That is right.

5 Q. Okay. Now, when you talk about the green line, which is
6 what prompted this, you mean the line more or less where my
7 finger is now. Is that correct?

8 A. Correct. It is not actually a border, but the border of
9 demarcation between the West Bank and Israel proper.

10 Q. Right. Because in fact Israel, although it is a country,
11 doesn't have a firm border there, does it?

12 A. Correct.

13 Q. Okay.

14 A. In like a legal sense.

15 Q. Like a legal sense. Right.

16 A. Because the territories are still disputed.

17 Q. Right. And when we are talking about what I was just
18 talking about a minute ago, that there are some people, some
19 Jewish people who believe that God gave them the whole area,
20 they mean all the way to here. Correct?

21 A. They mean the entirety of this area from top to bottom,
22 like Hamas would believe top to bottom.

23 Q. Right. Now, you mentioned that the settlements were
24 mostly around the green line. I would like to just show you
25 one more map and then we are going --

1 A. The green line and key blocks.

2 Q. Right. I am going to show you one more map and then we
3 are going to move on to another subject.

4 MS. HOLLANDER: May I approach, Your Honor?

5 THE COURT: Yes.

6 Q. (BY MS. HOLLANDER) I just want to ask you some questions
7 about that map.

8 A. Sure.

9 Q. Okay.

10 A. Uh-huh.

11 MS. HOLLANDER: Your Honor, I move the admission of
12 Defendant's 1110.

13 THE COURT: Counsel?

14 MR. JONAS: Your Honor, we object for the reasons
15 stated in sidebar.

16 THE COURT: Let me take a look at it. I don't have
17 it.

18 I will overrule the objection, and Defendant's exhibit
19 1110 is admitted.

20 Q. (BY MS. HOLLANDER) Now, this particular map, just so we
21 get oriented, is dated 2001, and it has on it all these little
22 pyramid looking things or settlements. Correct?

23 A. Yes.

24 Q. Okay. And so when we talk, just so the jury has an
25 understanding, we are talking about settlements at least as to

1 2001. We are not talking about what there is now. But as to
2 2001, that is a representation of settlements around the West
3 Bank. Correct?

4 A. It is a somewhat misleading one because it depicts all
5 settlements in the same manner, those little triangles. Some
6 are quite large and populated. Most that are farther into the
7 West Bank are very, very small. So there are settlements,
8 yes. These are all settlements. But if you are talking about
9 where the settler population is, it is, as I explained, in key
10 blocks of larger settlements and along the green line.

11 Q. Right. Okay. But there are actually some settlements
12 all the way out to near the Jordan River.

13 A. That is right.

14 Q. Now, these large settlements -- In fact, there is a very
15 large settlement right near Jerusalem. Correct?

16 A. What are you referring to?

17 Q. There is a very large settlement near Jerusalem. That is
18 one of the areas where the large settlements are near
19 Jerusalem.

20 A. Correct.

21 Q. And -- You were talking about settlement blocks. That is
22 where one of the big settlement blocks is. Correct?

23 A. Correct.

24 Q. And the people who live in the settlements are Jewish
25 people. Correct?

1 A. Correct.

2 Q. Okay. And they have -- They are citizens of Israel.
3 Correct?

4 A. Yes.

5 Q. But instead of living in Israel proper, they live in the
6 West Bank. And up until 2005 there were also settlements in
7 Gaza. Correct?

8 A. Correct.

9 Q. And there are roads that connect these settlements.
10 Correct?

11 A. Correct.

12 Q. Those are called bypass roads. Correct?

13 A. There are many roads. Those roads that are meant only to
14 connect the settlements and bypass Palestinian villages are
15 referred to as the bypass roads.

16 Q. And those go from the settlements directly to Tel Aviv.

17 A. Not to Tel Aviv, but right into Israel.

18 Q. Right. I think there is one from Jericho to Tel Aviv,
19 but I could be wrong.

20 A. You are.

21 Q. Am I wrong?

22 A. Yes.

23 Q. Okay. And in order to drive on those roads, you can't
24 just get on. They have big fences to make sure that only the
25 people who are supposed to be on them are on them. Correct?

1 A. There are roads that have fences primarily to prevent
2 attacks that occurred against those roads. I have been on
3 some of those roads, and they are called bypass roads, but
4 there is no preventing people from getting on them. And I
5 have passed Palestinian drivers with Palestinian plates on
6 those roads.

7 My understanding is there are times when the Israeli
8 authorities will not allow Palestinian license plate cars on
9 the roads for security reasons, but every time I have been on
10 the bypass roads, and it hasn't been too often, I have seen
11 both Israeli and Palestinian cars.

12 Q. So Palestinians have different license plates than
13 Israelis. Correct?

14 A. Because they are under the Palestinian Authority.

15 Q. Right. And they have different license plates, and that
16 is how they have different license plates.

17 A. Correct. Except for the Palestinians, for example, who
18 live in east Jerusalem, and they have Israeli license plates.

19 Q. Because it is part of Israel.

20 A. It is disputed as well. It is actually part of the West
21 Bank.

22 Q. It depends on who you talk to which it is part of.
23 Right?

24 A. Well, you are asking me.

25 Q. And you mentioned earlier a checkpoint that your driver

1 managed to get around earlier. There are checkpoints on and
2 off throughout the West Bank at various different times.

3 Correct?

4 A. Correct.

5 Q. Different times -- Sometimes there are more and sometimes
6 there is fewer, but there are always some checkpoints.

7 Correct?

8 A. Correct. Especially at cities.

9 Q. Right.

10 A. Which is what I was referring to.

11 Q. And in fact, some of these settlers have committed some
12 pretty grave acts of terrorism against Palestinians, have they
13 not?

14 A. They have.

15 Q. They have burned Palestinian olive groves. Are you aware
16 of that?

17 A. Yeah. I don't know if that would be an act of terrorism,
18 but it is certainly an act of illegal violence.

19 Q. But there have actually been killing, deaths?

20 A. There have been.

21 Q. And you actually wrote about this in your Ph.D.
22 dissertation that you just turned into a new book. Correct?

23 A. I did.

24 Q. And that involved an American doctor, an American doctor
25 who moved to a settlement named Doctor Goldstein. Correct?

1 A. That is right.

2 Q. And Doctor Goldstein lived in one of the settlements on
3 the West Bank in Hebron. Correct? Or near Hebron?

4 A. Near Hebron, yes.

5 Q. And one day he walked into a mosque while people were
6 praying and just murdered 29 people, men who were praying.
7 Correct?

8 A. That is right.

9 Q. Now, he was one of those people who thought they had no
10 right to be there, didn't he?

11 A. Apparently.

12 Q. And so he was someone who was opposed to the Oslo Accord.
13 Correct?

14 A. I would assume so. I mean, he was a terrorist. Let's
15 call him what he was.

16 Q. But he would have -- If you had sat him down and asked
17 him, he would have opposed Israel signing the Oslo Accord,
18 wouldn't he, because it gave away land?

19 A. I imagine, but I never spoke to the man, so --

20 Q. You are familiar with Bernard Lewis also, are you not?

21 A. I am.

22 Q. And you consider him an expert on the Middle East, don't
23 you?

24 A. I do.

25 Q. So you would agree with him when he says that on the

1 Israeli side there were some that thought Oslo was betrayal,
2 throwing away victory, and wantonly abandoning the ancient
3 heritage of Jews.

4 A. Yes.

5 Q. Now, and you said there were Palestinians who opposed
6 Oslo.

7 A. Yes.

8 Q. Who were not associated with Hamas. Correct?

9 A. Correct.

10 Q. And one of them you mentioned was Edward Said?

11 A. Correct.

12 Q. Edward Said was a Palestinian-American who is now dead
13 but who taught at Columbia University. Correct?

14 A. That is correct; a journalism professor.

15 Q. And he also wrote a great deal about Palestine, didn't
16 he?

17 A. He did.

18 Q. And he was Christian. Correct?

19 A. I think so.

20 Q. His name was Edward. That is a pretty good clue.

21 A. He was also American.

22 Q. He was American. But you believe that he was Christian.
23 Correct?

24 A. Actually I don't know, but I will take your word for it.

25 Q. And he was opposed to Oslo.

1 A. He was, through peaceful means.

2 Q. You are aware that Professor Said was photographed in
3 October 19th of 2000 actually throwing a rock toward an
4 Israeli guard house. You are aware of that.

5 A. There is a well-documented incident where he visited
6 Lebanon and called the media and symbolically threw a rock
7 over the fence. Some people said it was at an Israeli guard
8 house. Some people said there was not an Israeli around.
9 That is the most violent that that man -- That one rock is the
10 most violent that man ever got.

11 Q. It was a symbolic act.

12 A. It was no act of suicide bombing.

13 Q. It was a symbolic act of support for the Intifada.
14 Correct?

15 A. That is not what I said. That is your words. I think it
16 was an act of symbolism, opposing the peace process that he
17 long supported in writing. I am sorry. That he long opposed
18 in writing.

19 Q. But Professor Said was not a Muslim fundamentalist by any
20 stretch of the imagination, was he?

21 A. No.

22 Q. Now, you also showed the jury on your chart over here a
23 man named Jamil Hamami, did you not?

24 A. I did.

25 Q. And you talked a little bit about Jamil Hamami coming to

1 speak in the United States. Correct?

2 A. That is right.

3 Q. When you wrote your book, you mentioned Jamil Hamami
4 three or four times in your book, don't you?

5 A. I mentioned him. I don't know how many times.

6 Q. But you don't say anything about his -- Now, the book was
7 published in 2006, was it not?

8 A. That is right.

9 Q. You don't say anything in your book about Jamil Hamami
10 being invited to the United States, do you?

11 A. I was not aware of it at the time.

12 Q. You were not aware of it. In fact, you weren't aware of
13 it until about a year ago. Isn't that correct?

14 A. That is right.

15 Q. And you were surprised to find out he had come to the
16 United States, weren't you?

17 A. Yes.

18 Q. You mentioned that he was brought by a quasi government
19 organization --

20 MS. HOLLANDER: Your Honor, I would like to
21 introduce Defendant's Exhibit No. 87. I move the admission of
22 Defendant's Exhibit No. 87.

23 THE COURT: Counsel?

24 MR. JONAS: No objection.

25 THE COURT: Admitted.

1 Q. (BY MS. HOLLANDER) I am again going to try to talk to
2 you and put this where the jury can see it. It is a little
3 awkward here.

4 A. We will make it work.

5 Q. But we will make it work. And I am not going to ask you
6 to read all of this, but just a part of it. This is a
7 document with several pages. Can you --

8 A. Can you enlarge it? I can't read it as it is. I am
9 sorry.

10 Q. I may have a better version of this.

11 MR. HOLLANDER: I may have to just approach the
12 witness, Your Honor. I don't think he can read it.

13 Q. (BY MR. HOLLANDER) Can you read it now?

14 A. I can try.

15 Q. I am not going to ask you to read very much. Can you see
16 where the document came from? It says the United States
17 Information Service. I will help you. Do you see that at the
18 top?

19 A. Yes; american Consulate General in Jerusalem.

20 Q. Yes. Now, the American Consulate General in
21 Jerusalem--you talked about the Consul General from
22 Israel--this is the United States representative in Jerusalem.

23 A. Yes.

24 Q. So this letter is coming from the office of the United
25 States representative in Jerusalem. Correct?

1 A. Sort of. It is coming from the United States Information
2 Service, and they had an office in the American Consulate in
3 Jerusalem. This is a different consulate. All of the
4 consulates are part of an embassy and report back to an
5 embassy. This consulate does not. It acts as its own embassy
6 and is the U.S. representation to the Palestinians.

7 Q. That is right. And actually the American Consulate --
8 this is the only place in the world where this is true, is it
9 not, that you know of?

10 A. I believe it is the only one. Correct.

11 Q. And that is because Jerusalem is contested.

12 A. No, it is because --

13 Q. We have an ambassador in Tel Aviv. Correct?

14 A. Correct. And two consulates in Jerusalem; one on the
15 Jewish side and one in the Palestinian side. The Palestinian
16 side is the much larger one. And because the United States
17 gives great priority to the Palestinian issue, it has the de
18 facto embassy to the Palestinians.

19 Q. So the Consul General in Jerusalem actually reports
20 directly to Washington instead of to the ambassador. Correct?

21 A. Correct.

22 Q. That is the part that is different than in other parts of
23 the world.

24 A. That is correct. So the U.S. Information Service had an
25 office there.

1 Q. And this is a letter to Sheikh Jamil Hamami. Is that
2 right?

3 A. That is right.

4 Q. It says, "On behalf of the United States Information
5 Agency, it is my pleasure to inform you you have been selected
6 to participate in the international visitor's program entitled
7 "Religion in America" scheduled to take place," and then they
8 have the dates, et cetera. Correct?

9 A. There are two slight differences in the text I have here,
10 but that is the general --

11 Q. I think I have a slightly different version I am reading
12 from is the problem. Actually what happened is the one you
13 have -- the one I had on the screen was October, and then the
14 program got put off and I was reading from the February one,
15 which was almost the same, but it is the same program.

16 A. The gist is the same.

17 THE COURT: Let's go ahead and take the afternoon
18 recess.

19 (Whereupon, the jury left the courtroom.)

20 MS. HOLLANDER: Your Honor, since Doctor Levitt is
21 on cross, we would just ask that he not discuss his testimony
22 with the Government while he is in the middle of cross
23 examination.

24 THE COURT: All right. If you would do that, Doctor
25 Levitt.

1 Be back at five after.

2 (Brief Recess.)

3 THE COURT: Before we begin, members of the jury,
4 before I forget, tomorrow we will be working until 1:00. We
5 will work straight through the noon hour. One of our former
6 judges of this court passed away Sunday, so we have his
7 service tomorrow afternoon that I have to go to, so we will
8 start working at 9:00 in the morning and work until 1:00, and
9 then you will be through for the day tomorrow, and come back
10 and work on Thursday.

11 Ms. Hollander?

12 MS. HOLLANDER: We will have the morning break,
13 though.

14 THE COURT: We will have the morning break, but it
15 is going to be a long time before we get to the lunch break.

16 MS. HOLLANDER: Thank you, Your Honor.

17 Q. (BY MS. HOLLANDER) I have a couple more of these, part
18 of Defendant Exhibit No. 87. This one is an announcement
19 inviting Sheikh Hamami to New York. Correct?

20 A. Yes. "It is a pleasure to welcome you to New York."
21 That much I can make out.

22 Q. And then I am going to show you some of the places that
23 he went when he was in New York. You might not be able to
24 read these, but one of them is the Catholic Archdiocese and
25 the Palestinian Government Office and an Islamic center. Do

1 you see that?

2 A. Yeah, in part.

3 Q. Then he went to Union Theological Seminary. Do you see
4 that at the bottom?

5 A. Yes.

6 Q. And the next day he went to the American-Jewish
7 Commission or American-Jewish Committee?

8 A. It is hard to read here, one of the two.

9 Q. The American-Jewish Committee. Just to be clear, when
10 you wrote your book you didn't know about any of this, did
11 you?

12 A. No.

13 Q. Now, this Government's exhibit, Demonstrative 12, this
14 Hamas pyramid, I just wanted to be clear. That is something
15 you created. Correct?

16 A. That is right.

17 Q. That is not something Hamas created.

18 A. No.

19 Q. And you are the one who put, you or you had them put the
20 Hamas logo in the middle of it to identify it. Correct?

21 A. That is right.

22 Q. Okay. Now, you are familiar with the Arab television
23 station Al Jazeera?

24 A. Yes.

25 Q. And what is that?

1 A. It is an Arab satellite television, broadcasts out of the
2 Gulf, out of Qatar. They have offices throughout the world,
3 including here. I have been in Al Jazeera.

4 Q. But the Israeli government has accused it of fomenting
5 terrorism because of its broadcast. Correct. That is
6 correct. Are you aware of that?

7 A. I don't know that. I know Israeli officials are on Al
8 Jazeera all the time also.

9 Q. But you don't have any problem appearing on Al Jazeera.
10 I assume you don't agree with everything said on Al Jazeera.
11 Correct?

12 A. I go on Fox News and don't agree with everything they say
13 either. So, yes, I go on and I try to give fair analysis.

14 Q. You have previously been asked about your willingness to
15 appear on Al Jazeera, and your response was that it was not
16 designated. That is still true. Correct?

17 A. No, Al Jazeera is not designated.

18 Q. Now, you said on direct examination that you were asked
19 about the Islamic University of Gaza. Do you recall?

20 A. No.

21 Q. On direct examination Mr. Jonas asked you about the
22 Islamic University of Gaza, and you said it was started by
23 Hamas leaders.

24 A. I don't think there was a direct question on the Islamic
25 University of Gaza. I think I mentioned it in response to a

1 question he had, though.

2 Q. And you said it was started by Hamas leaders.

3 A. It was founded in part by Hamas leaders, yes.

4 Q. So I take it you are not aware that the American
5 government research on the ground in Gaza found that it was
6 founded in 1978 by a board approved by Chairman Yasser Arafat
7 with permission from the Israeli government. You weren't
8 aware of that, were you?

9 A. I am aware that there has been debate within the U.S.
10 government as to how it was funded, and that what you just
11 read was researched by some. My understanding of that debate
12 is that it concluded very much otherwise.

13 MS. HOLLANDER: Your Honor, I would like to
14 introduce Defendant's Exhibit No. 1094.

15 THE COURT: Counsel?

16 MR. JONAS: Your Honor, we object.

17 THE COURT: Let me take a look at it.

18 (Discussion at the bench, out of the hearing of the
19 reporter.)

20 THE COURT: On the record.

21 (The following was had outside the hearing of the
22 jury.)

23 MS. HOLLANDER: Your Honor, I wasn't going to ask
24 him anymore questions if you want to take your time to read
25 it, but I am happy to redact it where it came from and what I

1 read to him.

2 THE COURT: Okay. Mr. Cline?

3 MR. CLINE: No.

4 THE COURT: You just wanted to get in on it?

5 MR. CLINE: I was going to wander up and inspect.

6 THE COURT: I don't have to read it now. It is too
7 long for me to read and give a you ruling right now, so I am
8 withholding a ruling.

9 (The following was had in the presence and hearing
10 of the jury.)

11 Q. (BY MS. HOLLANDER) You have also talked about the fact
12 on direct examination about Israel demolished homes, homes
13 that Israel demolished in Ramallah. Do you recall talking
14 about that?

15 A. Correct. In the context of the smuggling tunnels, I was
16 asked about houses where the tunnels came out and were
17 destroyed.

18 Q. Right. And you know that Israel has demolished many,
19 many homes throughout the West Bank and Gaza. You are aware
20 of that, are you not?

21 A. I am aware it has demolished homes like these. I don't
22 know that it is many or how many.

23 Q. Well, you know that Israel demolishes homes for
24 primarily, approximately 90 percent, when people don't have
25 proper permits.

1 A. I don't know that.

2 Q. You haven't researched why Israel demolishes homes or
3 anything about it. Is that what you are saying?

4 A. Correct. Other than in the context of terrorist attacks.

5 Q. Well then, you know that Israel sometimes demolishes
6 homes of families of people that it suspects of terrorism.
7 You know that, don't you?

8 A. Of suicide bombers. There is no suspicion there, but
9 yes.

10 Q. You know that it is also demolished homes of other
11 families of people that it has imprisoned. You know that,
12 too, don't you?

13 A. I don't, but I wouldn't be surprised.

14 Q. And you also mentioned -- You mentioned that Sheikh
15 Yassin -- You recall Sheikh Yassin on your chart there. You
16 said he was assassinated. Correct?

17 A. That is correct.

18 Q. In fact, he was assassinated by Israel. Correct?

19 A. That is right.

20 Q. And that was as he was coming out of a mosque after
21 morning prayers. Correct?

22 A. That is correct.

23 Q. He was in a wheelchair. Correct?

24 A. That is right.

25 Q. And he was assassinated by an Israeli helicopter that

1 fired hellfire missiles at him. Correct?

2 A. I know it was a missile. I don't know the other details.

3 Q. And more than a dozen people were injured, including two
4 of his sons. You knew that, too, didn't you?

5 A. I know that people were injured, including his sons. I
6 don't know how many.

7 Q. And some other innocent bystanders were killed. You know
8 that, too, don't you?

9 A. No.

10 Q. Are you a -- You also mentioned that Doctor Abdel Aziz
11 al-Rantisi was assassinated.

12 A. That is correct.

13 Q. He was also assassinated by Israel by a rocket from a
14 helicopter. Correct?

15 A. Correct.

16 Q. And in fact, when he was assassinated -- He didn't get a
17 trial or anything before he was assassinated, did he?

18 A. No.

19 Q. And one of his sons was killed in that attack. Correct?

20 A. I don't know.

21 Q. You are aware that a mother and a five-year-old child
22 were also killed. Correct?

23 A. Not aware.

24 Q. But are you aware of the fact that innocent people were
25 killed when he was assassinated?

1 A. No, I don't know the specifics offhand of that attack,
2 but sometimes innocent bystanders are killed in these attacks.

3 Q. And are you aware of the fact that the British Foreign
4 Minister Jack Straw condemned this attack and said that the
5 British government has made it repeatedly clear that so-called
6 targeted assassinations --

7 MR. JONAS: Your Honor, I object to this question.

8 THE COURT: You are already reading the statement,
9 and you have got an objection. What is your objection?

10 MR. JONAS: Relevance, Your Honor.

11 THE COURT: I will sustain the objection on
12 relevance and hearsay.

13 Q. (BY MS. HOLLANDER) Are you aware of the fact that
14 international agencies condemned targeted assassinations?

15 MR. JONAS: Same objection, Your Honor.

16 THE COURT: Counsel, we are getting too much into
17 the politics we discussed that we weren't getting into.
18 Sustained.

19 Q. (BY MS. HOLLANDER) I just want to go back then, in
20 conclusion, and ask you a few questions that I didn't ask you
21 about Baruch Goldstein who you wrote about in your other book
22 who murdered the Palestinians that were praying, and I want to
23 be clear. The men who he murdered, there is no reason to
24 believe they were Hamas people, is there?

25 A. None at all.

1 Q. In other words, this was just an indiscriminate attack.

2 A. Premeditated murder.

3 Q. There is no reason to believe those people who were
4 praying were terrorists of any sort. Correct?

5 A. They were innocents.

6 Q. They were innocent. And so you would expect that they
7 left behind families. Correct?

8 A. I would.

9 Q. Widows and orphans?

10 A. Yes.

11 Q. And you know or it wouldn't surprise you to know that the
12 men who were gunned down were considered martyrs by their
13 community.

14 A. No. The term martyr can refer to someone who is killed.
15 It is also used by Hamas to refer to someone who kills one's
16 self in the process of killing others, but it doesn't only
17 refer to that.

18 Q. I didn't ask you about that, did I? Do you remember my
19 question?

20 A. You asked me to explain martyr.

21 Q. I didn't ask you to explain martyr. Do you remember my
22 question?

23 A. Why don't you say it again.

24 Q. It wouldn't surprise you to learn that these men who were
25 gunned down by the Jewish terrorist were considered martyrs,

1 would it?

2 A. Considered by some, no, it would not.

3 Q. By Muslims in Palestine?

4 A. By some Muslims, yes.

5 Q. They would be considered martyrs?

6 A. Yes.

7 Q. You do know, don't you, that one of the counts of this
8 indictment involves the funds that the Holy Land Foundation
9 provided for their widows and orphans. You are aware of that,
10 aren't you?

11 A. Yes.

12 MS. HOLLANDER: Nothing further. I will pass the
13 witness.

14 THE COURT: Mr. Westfall?

15 MR. WESTFALL: Thank you, Your Honor.

16 CROSS EXAMINATION

17 By Mr. Westfall:

18 Q. Hello, Doctor Levitt.

19 A. Good afternoon.

20 Q. I represent Abdul Odeh, and I am Greg Westfall.

21 You made a comment yesterday, I think it was while we
22 were going through the Hamas charter, something to the effect
23 that people with a normal world view would want to go to work
24 and raise their families. Do you remember saying that?

25 A. I don't remember the exact statement or whether I said

1 normal, but yes, average people want to live their lives, go
2 to work, raise their families.

3 Q. Would you agree with me, though, that when we are talking
4 about a person's world view, that is really dependent upon
5 their experiences?

6 A. We are all shaped by our experiences, but there are
7 certain common values we share. We should all be against
8 murder. We should all want the best for our children.

9 Q. True. True. And we have no doubt, do we, that the
10 Palestinians want what is best for their children.

11 A. I think Palestinians want what is best for their
12 children, and I think there are some extremists on the
13 Palestinian and Israeli side, as we talked about, who are the
14 exception.

15 Q. So if we talk about Palestinians just for a moment,
16 though, would you agree with me that this extreme economic
17 hardship that you write about in your book, that would be the
18 kind of thing that could shape a person's world view.

19 A. World view generally, certainly. To the point of this
20 type of violence, it should not, and in most cases does not.

21 Q. Are unemployment, if your parents are unemployed, along
22 with say a third of the rest of the people in your community,
23 that sort of incredible level of unemployment, if you are a
24 child that would be the kind of thing, if your parents can't
25 work and don't work, that would affect your world view?

1 A. Yes.

2 Q. Certainly, if you are chronically malnourished as a
3 child, that would affect your world view.

4 A. Yes.

5 Q. And I suppose you know there are other things that could
6 affect your world view, like if you grow up in a place where
7 sewage runs through the street instead of having underground
8 sewers, that would be the kind of thing that would affect your
9 world view.

10 MR. JONAS: Your Honor, I am going to object. We
11 are getting into an area beyond Doctor Levitt's expertise. It
12 has nothing to do with Hamas, their effective world view.

13 THE COURT: Sustained.

14 Q. (BY MR. WESTFALL) Well, we watched this videotape with
15 you this morning, and we saw the expressions of anger and such
16 from children in that video. True?

17 A. Anger and support for violence. The tape spoke for
18 itself.

19 Q. And you mentioned that your child has school plays also.

20 A. They do.

21 Q. And of course, you know, I would imagine they are nothing
22 like that.

23 A. No.

24 Q. Would you agree with me that the conditions in Palestine
25 are far different than what you grew up in?

1 A. The conditions in Palestine have nothing to do with
2 whether or not people raise their children to promote and
3 support and idolize violence. Most Palestinians,
4 unfortunately, are living in these conditions. Most
5 Palestinians abhor violence.

6 Q. The fact that -- I guess there is probably, I don't know,
7 thousands of Palestinians that have been put in detention with
8 no charges ever filed, isn't there?

9 A. I don't know what the numbers are.

10 Q. But what I am saying is true. We can quibble about the
11 number, but Palestinians are put in detention without charges
12 ever being filed.

13 A. Sometimes Palestinians are detained, either by
14 Palestinian or Israeli authorities; and unlike in our country,
15 in those countries they have what is called administrative
16 detention and they are able to hold people without charge.

17 Q. And there has been a lot of Palestinians that have been
18 detained by the IDF without charge. Isn't that true?

19 A. There have been. Again, I don't know how many or how
20 much. It is not intended to quibble with you. You are just
21 asking a question a little too generally for me to answer
22 straight.

23 Q. Well, I guess you have said in your book that there is a
24 tremendous need in Palestine; the Palestinian people have a
25 tremendous need.

1 A. They do.

2 MR. WESTFALL: Your Honor, may I use this? And I am
3 about to just do some numbers with him. Can I just do this
4 and write on them as we go through this?

5 THE COURT: Yes, sir.

6 Q. (BY MR. WESTFALL) Now, Doctor Levitt, I want to talk a
7 little bit about the amount of money that Hamas spends on
8 their Dawa. Okay?

9 A. Uh-huh.

10 Q. And you have written about this in your book as well?

11 A. I have.

12 Q. Let me ask you, in your research, in your research have
13 you ever broken it down by year that in 1994 the Dawa was this
14 amount, in 1995 the Dawa was this amount?

15 A. I have never been able to because I have never been able
16 to get my hands on sufficient data. So what I did in the book
17 was --

18 Q. So first of all, though, the answer I guess to my
19 question is no?

20 A. No.

21 Q. Okay. Then please go ahead and tell me what you did in
22 your book.

23 A. Sorry for interrupting you.

24 What I did in the book in one section to try and give a
25 sense and try to get a sense of the amount of money being sent

1 on this Dawa, this social welfare, was to take some of the
2 documents, especially Palestinian documents that had been
3 documents seized from Hamas offices by Palestinian and Israeli
4 authorities that have been publicized, and extrapolate from
5 them. And I make clear in the book this is an academic
6 extrapolation. These are not hard numbers. And there is a
7 range, and I provide the range. And it is basically a kind
8 of, "This is useful. Great. Take it or leave it. This is
9 what I was able to get." But I don't pretend to know that
10 this is it.

11 Q. Let's have a look at what you said in your book. You
12 said in your book, "The amount of money Hamas actually spends
13 on social welfare is relatively small compared to U.N. and
14 other international aid.

15 "According to Israeli intelligence" --

16 MR. JONAS: Your Honor, I object to the book being
17 put on the screen and Mr. Westfall just reading from it. The
18 book is not in evidence.

19 THE COURT: All right. Sustained.

20 MR. WESTFALL: May I approach?

21 THE COURT: Yes.

22 Q. (BY MR. WESTFALL) What do you say?

23 A. I am sorry. Do you want me to read this or are you
24 asking me my opinion?

25 Q. You can read it or refresh your recollection on it. Look

1 at it and put yourself in a position where I can then ask you
2 some questions, because I know you don't have a copy of your
3 book.

4 A. I think the best thing, if you have questions why don't
5 you ask me while I have a copy in front of me and I can best
6 answer it. It is page 237 if you need to get another copy. I
7 appreciate that.

8 Q. It looks as though you based your numbers based upon two
9 things. One was Israeli intelligence estimates. Correct?

10 A. On this paragraph, yes. There is another section of the
11 book I was referring to a moment ago.

12 Q. All right. And the other is U.S. estimates. Correct?

13 A. Of Hamas' overall annual budget. This is -- And then the
14 estimate of how much percentage-wise is thought to go to
15 social welfare versus military activity. And then applied
16 that percentage estimate to the range of numbers that Israeli
17 and U.S. officials estimate is the Hamas budget.

18 Q. By this calculus, Hamas spends between \$56 million and
19 \$76.5 million annually on its political and social welfare
20 activities. Is that a correct statement?

21 A. That is a precise quote.

22 Q. So is it a correct statement?

23 A. Yes.

24 Q. So by Israeli intelligence numbers --

25 A. Again, let's be clear --

1 Q. I am not going to put you on a polygraph or something
2 about this book. I just -- I am trying to just get some
3 numbers here that you wrote.

4 A. Okay.

5 Q. Is that fair?

6 A. It is not a question of the polygraph. I want to make
7 sure we are presenting to there jury what is Israeli and
8 otherwise. Israeli estimate is that the Hamas overall budget
9 is \$70 million to \$90 million, and that 80 to 85 percent goes
10 to social welfare activities.

11 Q. Gotcha.

12 A. Okay.

13 Q. And that 80 to 85 percent is how you came to the \$56
14 million to \$76.5 million.

15 A. Correct.

16 Q. And that is U.S. dollars?

17 A. Yes. It is a good thing your handwriting is better than
18 mine.

19 Q. I am sure it is not much.

20 And then the U.S. estimate, make sure I get it right,
21 translates to \$42.5 million to \$62.5 million in annual social
22 welfare expenditures.

23 A. Correct.

24 Q. So that is U.S. numbers. And now, you also said that the
25 total aid appears to be in the neighborhood of \$1.3 billion,

1 it says, according to the World Food Program?

2 A. "According to the World Food Program," which is an
3 international organization tied to the U.N. "International
4 Development Assistance"--and this is a quote from their
5 report--"for Palestinians totals \$1.3 billion per year through
6 the Palestinian Authority, the United Nations, and NGOs."

7 Q. So it would be fair to say everywhere else \$1.3 billion?

8 A. According to this program, yes.

9 MR. WESTFALL: May I approach, Your Honor?

10 THE COURT: Yes.

11 Q. (BY MR. WESTFALL) We are finished with that, so I will
12 get it.

13 I want to talk just a little bit about the MFA, the
14 Ministry of Foreign Affairs.

15 A. Whose?

16 Q. The Israeli.

17 A. Israeli Ministry of Foreign Affairs?

18 Q. Right.

19 A. Sure.

20 Q. That is an organ of their government, I guess.

21 A. It is their foreign ministry, their state department.

22 Q. Okay. And they have a website that actually has
23 documents on it.

24 A. Yes.

25 Q. And there are documents on it that you have cited in your

1 book?

2 A. That is right.

3 Q. Now, I want to talk to you a little bit about one of the
4 things that was on your date chart today, your timeline.

5 A. Uh-huh.

6 Q. Okay? But first, will you agree with me that all life is
7 sacred?

8 A. Yes.

9 Q. Whether it be a Palestinian or an Israeli?

10 A. Absolutely.

11 Q. And whether it be a soldier or civilian?

12 A. All life.

13 Q. And the taking of all life is wrong.

14 A. Yes.

15 Q. I want to talk to you a little bit about the bombing that
16 occurred on January 22nd, 1995.

17 A. Is that the Beit Lid?

18 Q. The Beit Lid. Right. And you said today that there may
19 have been some soldiers in there. Do you remember saying
20 that?

21 A. Yes, roughly. I don't remember the quote.

22 Q. Okay.

23 A. But there were likely soldiers there, yes.

24 Q. You said there may have been some soldiers in there.

25 A. Okay.

1 Q. Well, according to the -- And you also said that there
2 were 22 people I guess killed, which is 22 people and there
3 may have been some soldiers.

4 According to the Ministry of Foreign Affairs -- That also
5 keeps track of all the terror attacks. Right?

6 A. Some of them, yes.

7 Q. And you have actually cited to like these kinds of
8 documents in your book.

9 A. I don't know if I cited to that document, and not every
10 document that is on every website is equally of value, so I
11 can't vouch for that one.

12 Q. According to the Ministry of Foreign Affairs, which is
13 like the State Department, I think you said, for Israel, on
14 January 22nd of 1995 there were 21 people killed, but 20 of
15 them were soldiers, and they actually give the names of the
16 soldiers. So do you agree that is different than there may
17 have been some soldiers in there?

18 A. It is and it isn't. I didn't claim to know the names of
19 the people or have that in front of me. I also recall saying
20 that Israeli soldiers frequently are at bus stops because they
21 hitchhike home from around the country, so I wouldn't be
22 surprised.

23 MR. WESTFALL: Your Honor, I will pass the witness.

24 THE COURT: Thank you.

25 Who is next? Ms. Cadeddu?

1 MS. CADEDDU: Me, Your Honor.

2 CROSS EXAMINATION

3 By Ms. Cadeddu:

4 Q. Hello, Doctor Levitt.

5 A. Good afternoon.

6 Q. I actually brought you a copy of your book and I have
7 one, too.

8 A. Thank you.

9 MS. CADEDDU: May I approach, Your Honor?

10 THE COURT: Yes.

11 THE WITNESS: Appreciate that.

12 Q. (BY MS. CADEDDU) Doctor Levitt, before we start talking
13 about your book, I just want to ask you a couple of questions
14 and touch on some of the rhetoric that surrounded the Baruch
15 Goldstein massacre. I am not interested in the specifics of
16 it. I want to talk about some of the things that happened
17 afterwards.

18 A. Yes.

19 Q. After the Goldstein massacre, there were some Israelis,
20 particularly settlers, who were happy about what had happened.
21 Would you agree with that?

22 MR. JONAS: We object to this line of questioning.
23 It is irrelevant. It is beyond the scope of direct.

24 THE COURT: Approach the bench a minute.

25 (The following was had outside the hearing of the

1 jury.)

2 MS. CADEDDU: What I am getting ready to talk to him
3 about is the fact that some Palestinians and some Israelis
4 have strong feelings about people on the other side, and that
5 they expressed those feelings in skits and songs. There were
6 skits and songs performed and performed every year at the
7 anniversary of this massacre by Israeli settlers.

8 My point is some people engage in violent acts. Most
9 engage in political expression, which is exactly what my
10 client did in this case. So I am talking about people's
11 reactions, but not every person who is unhappy about a
12 particular event expresses that in a violent way. Most do it
13 in terms of speech, political expression. So that is what I
14 am talking about here. I am not interested in talking about
15 the --

16 MR. DRATEL: Your Honor, he testified on direct as
17 part of his dissertation about this particular incident. I
18 mean --

19 THE COURT: The incident, yeah.

20 MR. JONAS: We didn't object when she raised it,
21 when Ms. Hollander went into it, because we know Holy Land
22 claims to have supported some of the victims and we assume
23 that is going to be an issue raised later in the trial. But
24 to get into how other people reacted to the accident to show
25 the state of mind of the Defendant -- I mean, if the Defendant

1 wants to get his state of mind out there, he can get on the
2 stand and testify about it. How people reacted to an
3 unrelated incident is irrelevant.

4 MS. CADEDDU: His line of questioning was explored
5 in the first trial extensively, and it is an issue for my
6 client because he is here because of songs and skits. I have
7 talked about songs and skits, and that is what I am talking
8 about with this gentleman.

9 THE COURT: Okay. Okay. I will overrule the
10 objection and let you get into that.

11 (The following was had in the presence and hearing
12 of the jury.)

13 Q. (BY MS. CADEDDU) Doctor Levitt, after the massacre,
14 there were some people who were happy about it and they
15 expressed their feelings about it by writing a pamphlet. Is
16 that correct?

17 A. Correct. A very small group who wrote a pamphlet
18 supporting this terrorist attack.

19 Q. Absolutely. And so they wrote this pamphlet, and the
20 pamphlet was called Baruch the Hero. Is that right?

21 A. Right. It was a play on words.

22 Q. Because Baruch --

23 A. Baruch also means blessed. It was his name, and blessed
24 is the hero or he is the hero.

25 Q. So the book actually had two meanings. You are talking

1 about this play on words. And that play on words is a
2 function of the fact that it was -- that Baruch is both a name
3 and a word that has another meaning in Hebrew.

4 A. Right.

5 Q. So the book was called Baruch the Hero, or the play on
6 words was blessed is the hero?

7 A. Correct.

8 Q. Now, the folks who wrote that book, they obviously didn't
9 like Palestinians a whole lot. Would you agree with that?

10 A. Yeah.

11 Q. And they expressed those feelings by writing the book.

12 A. That is right.

13 Q. They also expressed those feelings by returning to the
14 site where he was buried each year for a few years and
15 engaging in skits. Isn't that right?

16 A. Yes, until they were banned.

17 Q. And so each year, for however many years -- And you are
18 talking about the organization was banned. Kahane Chai and --

19 A. That is true, too. I am talking about the fact that this
20 group, which was maybe a dozen people, was banned from
21 returning to the site and performing this disgusting ritual.

22 Q. Okay. So Israel restricted the exercise of their
23 expression at the grave site after a certain number of years.
24 Would you agree with that?

25 A. Yeah.

1 Q. Okay. But initially at least, these people went to the
2 grave site and would perform a skit. Is that right?

3 A. Correct.

4 Q. And they would dress up like Doctor Goldstein and like
5 some of the people who were praying, and would reenact this
6 act. Is that right?

7 A. I don't remember the details of it, although I think it
8 is in the dissertation.

9 Q. I believe it is.

10 A. That they had this ceremony.

11 Q. Okay. And again, I mean, that expression of those
12 feelings is obviously not pretty and not politically correct.
13 Would you agree with that?

14 A. Yes.

15 Q. And the people who did that were, as you have said, I
16 think a small minority of the people in Israel. Would you
17 agree with that?

18 A. A tiny fraction of a minority.

19 Q. But there are certainly people in Israel who dislike
20 Palestinians and who have feelings that they don't want the
21 Palestinians there. Would you agree?

22 A. There are some, yes. There are, frankly, not a lot,
23 but --

24 Q. And they express those feelings in the public forum. Is
25 that right?

1 A. Yeah.

2 Q. Okay. And Palestinians do the same thing. You are aware
3 that they also have traditional Palestinian music in which
4 they express their feelings about Israelis. Is that right?

5 A. That is right.

6 Q. And they also express their feelings, sometimes
7 generally, about Jews rather than just limiting it to
8 Israelis. Is that correct?

9 A. It is a little nastier still, but yes.

10 Q. And what they are expressing is their anger in those
11 songs and their feelings.

12 A. Look, I am not a psychologist. I don't know if I am
13 really qualified to answer these questions. It all depends on
14 the skit. If they are expressing anger about the political
15 situation, or if they are expressing support for suicide
16 bombing, but yes, people do these not pleasant skits and
17 things.

18 Q. Right. And here in this country we have the right to
19 express our feelings and our beliefs. Is that right?

20 A. We do.

21 Q. Okay. I would like to talk to you now about your
22 methodology, and here we are going to need your book, so if
23 you would get it ready for me.

24 You testified yesterday a little bit about the
25 methodology that you used to draw your conclusions, and I

1 assume that the methodology that you have used to draw your
2 conclusions for this case is similar to the methodology you
3 used in preparing your book. Would I be right?

4 A. Yeah. I mean, you know, the methodology in preparing
5 this case is nowhere near what went into this book, but yes.

6 Q. Sure. But you don't use a different research method.

7 A. No; exactly.

8 Q. I want to talk to you -- I think you talked a little bit
9 about primary research, so I would like to talk to you first
10 about your understanding of primary research. Okay?

11 A. Uh-huh.

12 Q. One part of primary research is looking at actual
13 documents that relate to the event that you are looking at.
14 Would you agree with that?

15 A. Yes.

16 Q. And another part of primary research, another way to
17 conduct primary research, is by interviewing people who were
18 actually at the event. Would you agree with that?

19 A. Yes.

20 Q. Or reading those interviews that were firsthand.

21 A. Correct.

22 Q. So, for example, if we were to use a political event that
23 we are all familiar with in this country, like the founding of
24 the United States, the American revolution, an example of a
25 primary source document if we were going to study that would

1 be, for example, the Declaration of Independence?

2 A. Correct.

3 Q. Or the Constitution?

4 A. Correct.

5 Q. The Federalist Papers perhaps, where the founders debated
6 how the Constitution should look.

7 A. Yes.

8 Q. Another type of primary source materials in my example
9 could be letters, like, for example, letters written by Thomas
10 Jefferson to someone about what the process was. Would you
11 agree with that?

12 A. Correct, if they are authenticated.

13 Q. Sure. Let's assume they are authenticated. That would
14 be a primary source document, because it would be something
15 written by the person who was actually there. Would you
16 agree?

17 A. Yes.

18 Q. Now, you talked -- I think you have talked here today,
19 and I think you have mentioned it in other cases that primary
20 research is the gold standard of social science research. Is
21 that right?

22 A. What I said specifically was that this combined
23 methodology that I have used has been described by other
24 courts in my particular case as the gold standard.

25 Q. I see. So let's talk about your research. Actually

1 before we do that, how you researched this book, let's talk
2 about secondary sources, because we can't limit ourselves in
3 the world to primary sources. We have to use secondary
4 sources as well.

5 In my example, for example, a secondary source about the
6 American revolution could be a history written about the
7 American revolution by someone. Is that right?

8 A. Correct, unless it was a current history written by
9 someone who was there, or even someone who lived at that time
10 and knew those people, then that might be a more primary
11 document.

12 Q. Okay. But let's say we are talking about someone writing
13 history now, looking back and interpreting the events and
14 deciding what to put into the book, making a selection about
15 what was relevant. That is what distinguishes a secondary
16 source document from a primary source document. Right?

17 A. Correct, like this.

18 Q. So I guess the reason it is called a secondary source
19 document is because it is not quite as reliable as a primary
20 source document, because someone has interjected their own
21 interpretation or their limitation of what is included. Would
22 you agree with me?

23 A. Yes.

24 Q. Another -- Well, actually I have talked about that.
25 There is a selection bias, what researchers I think call it,

1 where you decide what you are going to put in and what you
2 leave out sometimes can make a difference. So you have to
3 keep that in mind as you are evaluating a secondary source.
4 Is that right?

5 A. Correct. And you know, it depends if a source is focused
6 on one particular issue and only includes documents or
7 whatever on that issue, then that shouldn't surprise that
8 there aren't other issues in there.

9 Q. Understand. So then I guess you would agree with me that
10 you need to look critically at the sources of information that
11 you are using to determine whether there is a bias.

12 A. We are getting pretty general here. It is a case-by-case
13 issue.

14 Q. All right.

15 A. In general, the methodology is vetting sources, not
16 relying on any one source.

17 Q. Let me take a step back. It is important when you are
18 looking at any source to determine where it came from.

19 A. Yes.

20 Q. Because someone's perspective matters when you are
21 deciding whether to believe it. Is that correct?

22 A. It can.

23 Q. Okay. Now, you have testified -- As you said before, you
24 have testified in other cases, and you have said that
25 newspaper articles are secondary sources that are generally

1 less reliable than primary sources. Would you agree with
2 that?

3 A. Yes.

4 Q. And just because something is reported in a newspaper
5 doesn't make it right. Right?

6 A. Right.

7 Q. Now, let's take a look at your book. You have been
8 talking about what you call economic jihad. I think that was
9 the term you used yesterday. Is that right?

10 A. It is not what I call it. This is a term used by Hamas
11 and others. But this is the term. Jihad bin mal, jihad by
12 money, or economic jihad.

13 Q. So economic jihad is what we have been talking about for
14 the last two days.

15 A. We have been talking about a lot more than that, but that
16 is part of what we have discussed.

17 Q. And this book that you have written, Hamas: Politics
18 Charity and Terrorism in the Service of Jihad, you have laid
19 out your theories about Hamas and terrorism funding in your
20 book, and in much more detail than you have here. Is that
21 right?

22 A. Yes.

23 Q. As you said before.

24 Your book is divided up into chapters, as most books are,
25 and what I would like you to do now is to turn to chapter 3

1 for me.

2 A. Do you have a page?

3 Q. Well, I might. Let me see here. I wrote down all the
4 other numbers, page numbers, but not that one. Page 52.

5 A. Fifty-two.

6 Q. Fifty-two is the first page.

7 A. Yes.

8 Q. All right. Now, in this chapter you are talking about
9 how, what you have called the Dawa, facilitates terrorism.
10 Right?

11 A. Correct.

12 Q. And as you told the jury, you took some time off from
13 your regular job to research and write this book under a
14 fellowship or two. Is that right?

15 A. I think we are confusing two things. Let me just
16 clarify. This was written as part of my regular job. I
17 didn't take time off to do that. This was what I did. The
18 time off was for the Ph.D. and the other book.

19 Q. And the dissertation. Okay. I understand now. So this
20 was actually written as part of your job responsibilities with
21 the think tank that you work for?

22 A. Right.

23 Q. I would like to -- Let me see here, if you can give me
24 just a second. Okay. I would like to explain to the jury a
25 little bit how you have done this. Each chapter has --

1 discusses a certain area. In this case we are talking about
2 economic jihad, as we said. And what you have done is laid
3 out some conclusions and some data on each of the pages, and
4 then at the end of sections you have put end notes with
5 sources. Is that right?

6 A. No. What I have laid out is data, analyzed the data, and
7 then based on that made conclusions, and then there are
8 footnotes. At the end of each paragraph, not at the end of
9 the chapter, there is a footnote for the source material
10 throughout that paragraph.

11 Q. Okay. I think maybe what we are doing is just -- we are
12 getting social science research and lawyer research mixed up,
13 because we lawyers when we put things, footnotes at the end of
14 something, we called them end notes. So your notes are at the
15 end of the chapter, or the end of the book identified by
16 chapter. They are not down at the bottom of the page under a
17 little line. Right?

18 A. Correct.

19 Q. All right. So we are talking about your end notes. If
20 you would turn and take a look at the end notes for chapter 3,
21 the chapter we were just talking about, and those begin at
22 page 263, I believe, right at the bottom of the page. Do you
23 see that, Doctor Levitt?

24 A. Yes.

25 Q. Okay. Now, if you just flip through, you can see there

1 that for this particular economic jihad chapter you have I
2 think a total of 58 end notes or footnotes, however you want
3 to characterize them. Is that right?

4 A. Yes.

5 Q. And some of those end notes cite just one source and some
6 of them cite more than one source. Would you agree with me?

7 A. That is right.

8 Q. Now, let's go through generally the types of sources that
9 you have looked at and then we may talk about some
10 specifically.

11 I would like you to take a look at the first footnote for
12 chapter 3. The source for that footnote is actually you.
13 Right? It is an article you wrote?

14 A. That is right.

15 Q. Okay. Now, I assume that you can't be your own primary
16 source document. Is that right, Doctor Levitt?

17 A. Well, you are misconstruing it. This is actually not a
18 citation to a source. It is actually directing the reader to
19 further reading on the subject, which is also done in end
20 notes. So in the note to a paragraph that explains what this
21 chapter is going to do, I have a footnote to another article I
22 have written in a journal that goes further to that.

23 Q. Yes. I understand what you are saying. What I am trying
24 to do here is just talk about the kinds of sources that you
25 cite. And I am not trying to be silly. I am just saying that

1 is not a primary source document.

2 A. Of course not, but it is actually not a source at all.
3 It is further reading.

4 Q. Okay. So let's take a look, then, at end note No. 2 for
5 that chapter. Do you see that one?

6 A. Yes.

7 Q. Okay. And that end note actually is a citation to an
8 Associated Press article from 2005.

9 A. Correct.

10 Q. To you see that, Doctor Levitt?

11 A. Yes.

12 Q. And an AP article, that is like a news wire service. Is
13 that right?

14 A. Correct.

15 Q. So that would be something we would characterize as
16 basically a newspaper article. It might have been picked up
17 by the newspaper. It might have just gone out over the wires.
18 Would you agree with me there?

19 A. Exactly.

20 Q. Now, that actually isn't the only newspaper article that
21 is cited as a source in your chapter, and so what I would like
22 you to do is turn to the citations for me and we are going to
23 go through some of the newspaper articles that are cited
24 there.

25 A. You do notice what it is citing to the newspaper, though,

1 don't you?

2 Q. I beg your pardon?

3 A. You do notice what it is citing to the newspaper?

4 Q. Doctor Levitt, I am talking about what the sources are
5 right now.

6 A. It is a quote. It is not taking the newspaper's
7 analysis, but it is quoting an official who made a statement,
8 which is very reliable.

9 Q. Okay. You are going to get a chance to explain all of
10 that on redirect examination. Right now I am just trying to
11 break out the categories of sources in your citations.

12 So if we can go back to the footnote or end notes at the
13 back of the chapter, I would like you to go with me through
14 the end notes that we have listed here. Okay? Are you with
15 me?

16 All right. So No. 2 is a newspaper article.

17 Note 5 actually has a number of different sources. One
18 of those sources is a New York Times article and another is a
19 Chicago Sun Times article. Do you see those, Doctor Levitt?

20 A. Among many others, yes.

21 Q. Yes, yes; absolutely.

22 A. It gets to that selective process we were discussing
23 earlier, doesn't it?

24 Q. I beg your pardon?

25 A. That selective process you were discussing earlier where

1 someone only selects some things from something it is telling,
2 there are many other citations here. You have selected those
3 two.

4 Q. And I did say there were other sources cited in there,
5 did I not?

6 A. I am just making it clear.

7 Q. Okay. So among a number of other sources are two
8 newspaper articles in note No. 2. Is that right?

9 A. I think we are in No. 5.

10 Q. No. 5. I beg your pardon. Is that correct. Okay. New
11 York Times article and a Chicago Sun Times article. Right?

12 A. That is right.

13 Q. Okay. Now, speaking about other newspaper articles, note
14 No. 6 there actually are three newspaper articles listed there
15 among other sources. Do you see that there is one from the
16 Washington Post, one from the New York Times, and one from
17 Time Magazine.

18 A. That is right.

19 Q. Okay. Footnote No. 7 is actually two newspaper articles,
20 and that is from, you will have to help me with the
21 pronunciation, but Al-Sharq al-Awsat and the Jordan Times. Is
22 that right?

23 A. Very good, yes.

24 Q. Footnote -- And there are no other citations in footnote
25 No. 7. There is no selection bias. It is two newspaper

1 articles. Right?

2 A. That is all we get.

3 Q. Okay. So then we will skip down to note No. 15. In note
4 No. 15 there is a newspaper article, and that is citing to the
5 Washington Post again. Is that correct?

6 A. That is right.

7 Q. And that is a 2001 article. Is that right?

8 A. That is right.

9 Q. Note 21 is a French newspaper, I believe, and that again
10 is among a number of different citations.

11 A. I don't see it.

12 Q. No. 21 would be --

13 A. I see a journal, I see information from the Red Crescent.

14 Q. Agence Francias Presse, Saudi pilot on FBI list. Do you
15 see that, sir, midway down?

16 A. In No. 21?

17 Q. In No. 21. Agence Francias Presse would be like the AP?

18 A. Like the AP, yes.

19 Q. Okay. So we have got a 2001 article there. Do you see
20 that, sir?

21 A. Yes.

22 Q. All right. Let's take a look at footnote No. 24, and
23 there are a couple of sources there, actually three newspaper
24 articles in that, and I believe -- let's see. They are -- it
25 is the Palestine Times. Is that right? All three of those?

1 A. I see Palestine Times. I see Al-Ahram Weekly, I see
2 Jerusalem Post.

3 Q. And actually Jerusalem Post. The only one I wrote down
4 was Palestine Times, but there are two others. So three
5 newspaper articles. Is that right?

6 A. That is right.

7 Q. So let's skip down to note No. 40 and take a look at
8 that. There is a newspaper article listed for note No. 40.
9 That is the source there, and I believe that there is one
10 other source.

11 A. There are several sources. I think the one you are
12 describing is The Arab Daily al-Hayat.

13 Q. Yes. That is the newspaper article we are talking about.
14 Do you see that, sir?

15 A. Yes.

16 Q. And then footnote No. 44 is actually three newspaper
17 articles. And again those are -- It is just three newspaper
18 articles listed as the source for that. Is that right?

19 A. That is right.

20 Q. And those are from Maariv, which I guess is that an
21 Israeli periodical.

22 A. It is an Israeli newspaper.

23 Q. The Washington Post and the USA Today?

24 A. That is right.

25 Q. I would like to digress for one minute about the USA

1 Today. They illustrate some of the points we are talking
2 about here. There was a reporter at the USA Today by the name
3 of Jack Kelley. Are you familiar with him?

4 A. Yes.

5 Q. And he wrote a number of newspaper --

6 MR. JONAS: Your Honor, I object. This is getting
7 far afield. I mean --

8 THE COURT: Relevance?

9 MS. CADEDDU: The relevance, Your Honor, is the
10 reliability of his conclusions and the sources for the
11 conclusions, and the fact that newspaper articles are not
12 reliable.

13 THE COURT: I think you are making your point
14 without getting into specifics. I will sustain the objection.

15 Q. (BY MS. CADEDDU) Okay. So let's see. Okay. Footnote
16 No. 45, do you have that one for me, Doctor Levitt?

17 A. Let's see. Yes. That is a long one.

18 Q. That is a long one. I think it has four sources, and the
19 very last one I believe is a newspaper article. Do you see
20 that?

21 A. It is a magazine actually, but yes.

22 Q. Okay. No. 47, footnote No. 47?

23 A. Uh-huh.

24 Q. Is also another newspaper article?

25 A. Again --

1 Q. Do you see that?

2 A. We are cherry-picking here, but yes. There are lots of
3 sources in No. 47. The one you are selecting is a newspaper
4 article.

5 Q. We will be talking about some of the other sources in
6 just a second, but right now I am just talking about newspaper
7 articles.

8 No. 51, again there are, as you said, several sources.
9 One of those -- Actually there are two newspaper articles
10 listed as sources in No. 51. One is a Chicago Tribune
11 article. Do you see that.

12 A. There are two.

13 Q. And then -- There are actually Chicago Tribune articles
14 from 2004 and 2005.

15 A. Yes.

16 Q. Okay. Now, so we have talked about the newspaper
17 articles. Will you take my word for it, I have counted them
18 up, and out of 58 end notes, 13 include citations to newspaper
19 articles, sometimes other sources?

20 A. Sounds right.

21 Q. I would like to talk about another category of the source
22 material for chapter 3 in your book, and I think Mr. Westfall
23 may have touched on this but I want to talk to you about it
24 again.

25 You mentioned something called the MFA. And you are

1 familiar with that. Right?

2 A. The Israeli Ministry of Foreign Affairs.

3 Q. Yes. So that is an Israeli government, am I guess you
4 would call it. It is an agency of the Israeli government. Is
5 that right?

6 A. It is like our State Department.

7 Q. Okay. And as part of that agency's role, it puts out
8 press releases. Right?

9 A. Yes.

10 Q. And posts certain documents on its website. Is that
11 right?

12 A. Excuse me. Yes.

13 Q. And those are going to be Israeli government documents.
14 Is that correct?

15 A. Yes. Some of them are not, but they are -- Some are
16 Israeli government documents. Sometimes they will put other
17 things on there, too.

18 Q. They are posted by the Israeli government on an Israeli
19 government website. Is that right?

20 A. Yes.

21 Q. Okay. Now, there are also some other Israeli government
22 documents that you have cited to in chapter 3, and what I
23 would like to do now is go through the notes wherein you --
24 And now we are going to go back and talk about a different
25 category. I told you we would go back and do that. So I want

1 you to go back for me to the beginning and we will talk about
2 this category now of documents, Israeli government documents
3 that are source citations in chapter 3.

4 Are you ready, Doctor Levitt?

5 A. I am ready.

6 Q. All right. So note No. 5, we talked about that. That
7 had a couple of newspaper articles. That also contains a
8 citation to an Israeli Ministry of Foreign Affairs article.
9 Is that right?

10 A. That is right.

11 Q. Then in note No. 6, in addition some newspaper articles
12 we have another Israeli Ministry of Foreign Affairs article.
13 Is that right?

14 A. That is right.

15 Q. And note No. 8, a Ministry of Foreign Affairs article?

16 A. That is right.

17 Q. And another cite. And we are going to come back to that
18 one, too. Where was I? No. 9 is a citation only to a Israeli
19 Ministry of Foreign Affairs article. Am I correct?

20 A. Yes.

21 Q. Note No. 15, the two sources listed in No. 15 are a
22 newspaper article we already talked about and an Israeli
23 Ministry of Foreign Affairs article.

24 A. Correct.

25 Q. Note No. 16 is actually not a Ministry of Foreign Affairs

1 article, but it is your interview of an Israeli intelligence
2 analyst. Is that right?

3 A. Yes.

4 Q. Okay. No. 17 is--I have to check this--this is also not
5 from the Ministry of Foreign Affairs, but it is in fact an
6 Israeli -- Let's see here. Actually I think I may have gotten
7 that one mixed up with the next category, so we are going to
8 leave that one for a moment.

9 Let's go to footnote No. 18. I think I might be in the
10 wrong chapter. I am in the wrong chapter. No wonder. My
11 pages moved. Chapter -- Here we go. Okay. No. 17. Let's go
12 back to that. We have an Israeli government report as the
13 subject, as the source citation for that --

14 A. Yes. This is a different category really.

15 Q. Yes.

16 A. It is an Israeli government report used in a U.S. court
17 case.

18 Q. I understand. But the document, the core document we are
19 talking about is an Israeli government report. Is that right?

20 A. Yes.

21 Q. And I am distinguishing that from the Ministry of Foreign
22 Affairs documents that we talked about a while ago. Is that
23 correct?

24 A. Correct.

25 Q. Okay. So then we go to footnote No. 19, and once again

1 that falls in the same category we were just talking about,
2 that the core document there is an Israeli government report.
3 Is that right?

4 A. Yes.

5 Q. Okay.

6 A. Citing the kind of letter you described earlier, by the
7 way.

8 Q. Okay. I am just talking about the categories right now.

9 A. But that is to the categories, isn't it? It is an
10 Israeli source providing an original letter of the type that
11 you described earlier might be considered even a primary
12 source document.

13 Q. Okay. It is an Israeli government document. Is that
14 right?

15 A. Yes.

16 Q. Let's talk about -- Let's see. I think we are on No. 20,
17 and that I believe is in fact the same document as is cited in
18 No. 19. Right?

19 A. Correct.

20 Q. Footnote No. 32, we are going to skip a few, and that
21 appears to be a statement given by an Israeli Defense Forces
22 spokesperson. Is that right?

23 A. That is right.

24 Q. So that would be an army spokesperson, and that is an
25 Israeli government document available on the Israeli army

1 website.

2 A. Not an Israeli army website, but that is not the point.
3 It is an army spokesperson's press release or statement.

4 Q. It is an Israeli army document available on the internet.
5 Is that right?

6 A. Yes.

7 Q. Okay. Then we skip down to No. 42, and again we have a
8 couple of other sources, but there is another Israeli Defense
9 Forces army press release.

10 A. That is right.

11 Q. Okay. And then No. 50 is an Israeli police document.

12 A. Correct. A transcript of an interview in an Israeli
13 police document.

14 Q. Okay. And then No. 51, I believe, is -- Let's see here.

15 A. Also a police documents of transcriptions of police
16 interviews.

17 Q. Okay. So those are Israeli police documents cited in No.
18 50 and 51. Correct?

19 A. Yes.

20 Q. I think also in No. 52, if you take a look at No. 52. Is
21 that right?

22 A. Yes.

23 Q. Okay. So let's take a look now, moving down to end note
24 No. 55, and end note No. 55 has, let's see here, an Israeli
25 intelligence official's report, it would appear, and also your

1 email correspondence with a former Israeli intelligence
2 official.

3 A. That is right.

4 Q. Okay. And those two sources would both be Israeli
5 government sources. Right?

6 A. One is a former government person who is an expert on the
7 issue, and the other is an Israeli government report.

8 Q. Okay. So I stand corrected. So one of them is an
9 interview with a former government official of the Israeli
10 government.

11 A. Yes.

12 Q. Is that right?

13 No. 57, Doctor Levitt, and that, I believe, is also an
14 Israeli police report. Is that correct?

15 A. That is right.

16 Q. And then I think the last one is No. 58, which is a set
17 of -- it is an Israeli speech --

18 A. Text of a speech by a former prime minister.

19 Q. Okay. Of the government of Israel. Right?

20 A. Yes.

21 Q. Okay. Now, you have talked both in your book and also I
22 think here the last couple of days, in fact, I know you have,
23 about something called Operation Defensive Shield. Do you
24 remember that?

25 A. Yes.

1 Q. And Operation Defensive Shield was an Israeli military
2 army incursion into the West Bank that happened, at least
3 began in 2002. Am I right about that?

4 A. Correct.

5 Q. And during that incursion the Israeli army And to be
6 clear, we talked about the IDF. Some of us have used these
7 terms for a long time, but the IDF is the Israeli Defense
8 Force, which is also the Israeli army. Right?

9 A. Correct.

10 Q. So when we talk about the Israeli army or the IDF, or the
11 Israeli Defense force, we are talking about the same group.

12 A. All the same thing.

13 Q. So the army during Operation Defensive Shield went -- And
14 Operation Defensive Shield with when the army went into
15 offices of different Palestinian organizations and seized
16 documents. Is that right?

17 A. That is part of what it was, yes.

18 Q. Part of what it was. Well, for your research purposes,
19 the documents we are talking about, the Operation Defensive
20 Shield documents, those are going to be documents that were
21 seized in that incursion. Is that correct?

22 A. That is right.

23 Q. Now, the Israeli army kept an index of the documents that
24 they seized in that incursion. Is that right?

25 A. Well, I am sure they kept many indices. I don't know if

1 there is an index of all the documents seized. If there is, I
2 haven't seen one.

3 Q. Well, there is some sort of index. Let's take a look at
4 page 286 of your book.

5 A. There are indices.

6 Q. And that would be note No. 5. Then I see here, there is
7 a citation, and then it says--and we are talking about note
8 No. 5 at the bottom--"see index of documents seized by IDF
9 forces in Operation Defensive Shield, April 2003, author's
10 personal files." You are the author. Right?

11 A. That is me.

12 Q. So you have an index of documents seized in the Israeli
13 Defense Force incursion Operation Defensive Shield, in your
14 personal files.

15 A. I do.

16 Q. And we have asked you for that. Right?

17 THE COURT: Counsel, discovery is not an issue
18 before the jury. Discovery is not an issue before the jury.

19 MS. CAEDDDU: Okay. All right.

20 Q. (BY MS. CAEDDDU) is that list something that was
21 received from the United States -- from the Israeli
22 government?

23 A. Yes.

24 Q. It was received from the army?

25 A. No.

1 Q. It was provided to you by an Israeli government official.

2 A. Correct.

3 Q. Okay. Now, let's go back to your sources, and I would
4 like to talk again about -- I would like to talk about another
5 category -- Actually, I have a question for you about one
6 source that I would like you to take a look at. And I should
7 have written down the footnote. It is again from chapter 3,
8 and it is something called cripdom www.cripdom (phonetic).
9 Are you recollecting that?

10 A. Not off the cuff, no.

11 Q. Okay. You know what? We will come back to that because
12 I will have to look for that. The citation I wrote down, like
13 I said, all the footnotes and the page numbers, but that one
14 somehow managed to escape me.

15 Okay. So back to our 58 end notes for chapter 3.

16 A. Okay.

17 Q. There are -- There is an organization that has possession
18 of a number of the documents that were seized in the Operation
19 Defensive Shield incursion by the IDF, and that organization
20 is known, was known at least, as the Center for Special
21 Studies. Is that correct?

22 A. That is right, yes.

23 Q. And do you understand that that organization has since
24 changed its name to the Israel Intelligence, Heritage and
25 Commemoration Center? Is that something you are familiar

1 with?

2 A. I think that that is something that is affiliated with
3 it. I think it is actually a different name.

4 Q. Okay. But we are all in agreement that the Center for
5 Special Studies maintains a cache of these Operation Defensive
6 Shield documents. Is that right?

7 A. At least I know they used to, and they still have some on
8 their website. I don't know if they are still in possession
9 of them, the originals.

10 Q. In addition to maintaining those documents, this
11 organization also issues something called special information
12 bulletins. Is that correct?

13 A. Correct.

14 Q. And those special information -- Let me stop there for
15 one second. The Center for Special Studies is an organization
16 that it is in Israel. It is an Israeli organization. Right?

17 A. Yes.

18 Q. It is located in Israel?

19 A. Yes.

20 Q. And where is it located exactly?

21 A. Outside Tel Aviv.

22 Q. Okay. It has a website.

23 A. Yes.

24 Q. And on that website it identifies itself as an NGO. Is
25 that correct?

1 A. I actually don't know, but it could be. I mean --

2 Q. NGO means, as we have talked about before, a
3 non-governmental organization.

4 A. Yes. There are NGOs that are completely independent.
5 There are NGOs that have affiliations with government. I
6 don't know if they are an NGO or not.

7 Q. And in fact in previous testimony in another matter, you
8 testified that in your opinion the Center for Special Studies
9 is affiliated with the Israeli government. Isn't that right?

10 A. Yes. It has to have some affiliation to have been given,
11 for lack of a better word, custody of some of these documents.

12 Q. Okay. Now, and the Center for Special Studies, are you
13 aware that they say that they were established in memory of
14 the fallen of the Israeli intelligence community?

15 A. I am; not surprising for an Israeli institution.

16 Q. And that institution is headed by someone by the name of
17 Doctor Reuven Erlich. Is that right?

18 A. That is right.

19 Q. Okay. Now, also according to the website, The Center, or
20 the Center for Special Studies, CSS has -- it claims to boast
21 a staff of experts. Is that right?

22 A. I am not really that familiar with their website, at
23 least since I have written the book.

24 Q. I understand. I am sorry. I didn't mean to cut you off.
25 Are you done?

1 But you are familiar with the special information
2 bulletins. Right?

3 A. Yes.

4 Q. Because you have cited to a number of them in your book.

5 A. Primarily -- Well, yes and no. The special bulletins
6 tend to have their bulletin, and then actual copies of seized
7 documents, primary documents, and I cite to the primary
8 documents. But they are included or distributed as part of
9 these special bulletins.

10 Q. Well, there is an analysis. Right?

11 A. Correct.

12 Q. The Center for Special -- I keep trying to remember what
13 the name is, I am losing track. The Center for Special
14 Studies writes up these bulletins that are analyses. Right?

15 A. Correct. And an author can use that analysis or not and
16 can use the primary source documents or not.

17 Q. Right. And the primary source documents are attached or
18 they are appendices to the analyses. Right.

19 A. That is right.

20 Q. And those primary source documents, what we are talking
21 about is the Operation Defensive Shield -- some Operation
22 Defensive Shield documents. Right?

23 A. Correct. Documents that were seized from various types
24 of Palestinian government or charity committee offices by the
25 army in this operation.

1 Q. Yes. And so when the Center for Special Studies drafts
2 up one of those special information bulletins, they select
3 parts of the documents or individual documents that are going
4 to go into the appendix that goes to that particular analysis.
5 Right?

6 A. Correct. Not parts of documents. They --

7 Q. They select part of the -- They don't put the whole cache
8 of documents. It is probably rooms full. Right?

9 A. Right.

10 Q. They pick and choose particular documents that they are
11 going to attach as appendices to the analysis. Correct?

12 A. The documents that apply to the analysis that they are
13 engaged in.

14 Q. Yes. So the Center for Special Studies takes these
15 documents that it believes are relevant to its analysis by its
16 analysts and attaches them, the ones that it believes are
17 relevant, to the report. Correct?

18 A. Correct.

19 Q. And when it does that, the Center for Special Studies, it
20 also puts in a translation of what it believes those documents
21 that are attached say. Correct?

22 A. That is right.

23 Q. Because some of them are in -- Probably most of them are
24 in Arabic?

25 A. Almost all.

1 Q. Some may be in Hebrew?

2 A. I don't recall any in Hebrew, actually.

3 Q. So mostly in Arabic. They are going to be translated by
4 the Center for Special Studies. Correct?

5 A. Correct.

6 Q. Okay. Now, the special information bulletins that the
7 Center for Special Studies puts out don't have author names on
8 them. Right?

9 A. I am sorry. Don't have?

10 Q. They are not there is no author identified on them.
11 Correct?

12 A. I don't think so. Some of them actually have Doctor
13 Erlich's name on them.

14 Q. Okay. But when the Center for Special Studies talks
15 about its work and when it does its work, it identifies -- It
16 presumably, like any other think tank, it is going to have an
17 analyst who works on a particular report. Right? I assume --
18 Can we both agree that Doctor Erlich is probably not writing
19 all these reports?

20 A. I honestly don't know. When I interacted with them in
21 the process of researching this book, there certainly were not
22 30 people there. It primarily was just him.

23 Q. We are kind of getting off of the subject matter I want
24 to talk about here. There isn't -- the reports don't
25 identify -- Let me start again. The Center says it has a team

1 of analysts. Right?

2 A. So you tell me.

3 Q. And the reports that the Center puts out don't name a
4 particular analyst who has written that particular report.
5 Right?

6 A. Except for those that do.

7 Q. Except when it lists Doctor Erlich on the report by
8 himself.

9 A. Correct.

10 Q. Can you think of one of those that you have looked at, do
11 you recall one that has his name on them?

12 A. I don't recall any of them right now. This book was
13 written in 2006.

14 Q. All right. So let's take a look and see where in your
15 footnotes to chapter 3 you have cited to special information
16 bulletins. And as you have said, sometimes you cite to the
17 information bulletins, sometimes you cite to the source
18 document, but those are going to be the ones that are
19 translated by the Center for Special Studies and attached to
20 that report. Right?

21 A. Correct.

22 Q. Okay. So let's go back to the beginning, which would be
23 page 263, and the first footnote that cites to a special
24 information bulletin would be footnote No. 10. Is that
25 correct?

1 A. Not on 263. On 265, footnote No. 10, yes.

2 Q. And there is just one citation for a number -- one source
3 for citation No. 10. Is that correct?

4 A. That is right.

5 Q. Okay. And so then let's take a look at No. 12. That
6 actually cites to two special information bulletins from the
7 Center for Special Studies. Right?

8 A. That is right.

9 Q. Footnote No. 13 cites to one special information
10 bulletin. Right?

11 A. That is right.

12 Q. And footnote No. 14 cites only to a special information
13 bulletin from the Center for Special Studies. Is that
14 correct?

15 A. That is right.

16 Q. Footnote No. 18 cites also only to a Center for Special
17 Studies special information bulletin. Right?

18 A. Correct.

19 Q. Footnote No. 22 cites to a special information bulletin
20 from the Center for Special Studies only. Right?

21 A. Correct.

22 Q. Footnote No. 23 is another special information bulletin
23 from the Center for Special Studies. Right?

24 A. That is right.

25 Q. No. 27 has -- One of the two sources is the Center for

1 Special Studies special information bulletin. Right?

2 A. That is right.

3 Q. No. 34?

4 A. Correct.

5 Q. That is a footnote that cites only to a special
6 information bulletin from the Center for Special Studies.

7 A. Yes.

8 Q. Footnote No. 35, center for Special Studies special
9 information bulletin. That is the only source.

10 A. Not the only source, but it is one of the sources.

11 Q. Maybe I wrote it down wrong. All right. One of the
12 sources is a special information bulletin from the Center for
13 Special Studies.

14 Footnote -- Now I have lost my place. Was that No. 34?

15 A. We were up to No. 35.

16 Q. Let's go down to No. 40. No. 40 is one of those that has
17 a newspaper article and a Center for Special Studies special
18 information bulletin.

19 A. Correct.

20 Q. Okay. And then No. 54. And No. 54 has as its only
21 source the Israel Center for Special Studies special
22 information bulletin. Is that right?

23 A. Correct.

24 Q. Okay. So in this chapter, and again you can check if you
25 would like, but I have actually looked, there are exactly two

1 Palestinian sources cited. I would like you to turn back to
2 note No. 13 for me. Do you have it, sir?

3 A. Almost. All right.

4 Q. Note No. 13, page 265.

5 A. Okay.

6 Q. Okay. And that document that you cite, and it is one --
7 You cite that one and then cite a Center for Special Studies
8 special information bulletin, but that Palestinian document
9 would be an analysis of the average daily wages of
10 Palestinians that you got from the Palestinian Central Bureau
11 of Statistics. Is that right?

12 A. Yes.

13 Q. Okay. Then the other Palestinian document would be in
14 footnote No. 55, and that is found on page 270. Are you
15 there, sir?

16 A. No. 55.

17 Q. Are you there?

18 A. I am waiting for you.

19 Q. Sorry about that. And that citation to a Palestinian
20 source in footnote No. 55 is a Palestinian intelligence
21 report. Is that right?

22 A. That is right.

23 Q. Okay.

24 A. Those are not the only two.

25 Q. Well, those are the only two in chapter 3.

1 A. Incorrect.

2 Q. Okay. Have you found another one for me?

3 A. Well, almost every citation you cited to the Center for
4 Special Studies cites to a Palestinian report or a Palestinian
5 intelligence report, and the fact that it is made public by
6 the Israelis, notwithstanding, is only relevant in terms of --

7 Q. Okay. I am just going to stop you right there.

8 A. I see that.

9 Q. Okay. The Center -- Let's talk again for the Center for
10 Special Studies, just so we all understand what it is. The
11 Center for Special Studies is in Israel. Right?

12 A. Still.

13 Q. It is a -- They say they are a non-governmental
14 organization. Right?

15 A. Still.

16 Q. You say that they have a connection to the Israeli
17 government, otherwise they wouldn't have all those documents
18 from the Operation Defensive Shield incursion. Right?

19 A. Correct.

20 Q. Okay. The Center for Special Studies puts out special
21 information bulletins that are analyses by their analysts.
22 Right?

23 A. And that have primary source Palestinian documents.

24 Q. We are getting there. Just wait for me. The special
25 information bulletins are analyses by Center for Special

1 Studies analysts. Correct?

2 A. Correct.

3 Q. And then there are appendices to those analyses. Right?

4 A. That is correct.

5 Q. And those appendices include documents that the Center
6 for Special Studies analysts pick out of the documents seized
7 in Operation Defensive Shield. Right?

8 A. Presumably, yes.

9 Q. Okay. That they believe are relevant to their analyses.
10 Right?

11 A. To the issue that they are analyzing, yes.

12 Q. Right. And then the Center for Special Studies has them
13 translated from Arabic. Correct?

14 A. And provides them in English and the original Arabic.

15 Q. Okay. And so those documents that are picked out as
16 relevant are included with the analyst's report. Is that
17 correct?

18 A. They are separate, as you said earlier. They are
19 annexes, but they are put out together.

20 Q. I am trying to ask it very specifically. Those documents
21 in the appendices are picked by the analyst at the Center for
22 Special Studies.

23 A. I don't know who picks them, but they are supporting
24 documents to the analysis in their reports.

25 Q. They are selected to go with the analyses by the Center

1 for Special Studies analysts. Right?

2 A. Presumably. Again, neither you nor I are in there seeing
3 how they are doing this.

4 Q. We have no idea. Right? How they do it?

5 A. Presumably they are picking out the documents that are
6 relevant to the analysis at hand.

7 Q. Well, we would certainly hope so. Right?

8 Now, we have gone through the book, I think. You talked
9 about and -- And we could go through every single chapter, but
10 I am not going to do that, and that was the one that was on
11 the Hamas Dawa, so I thought that was probably the one that we
12 needed to talk about.

13 You have discussed how your book was peer reviewed before
14 publication. Right?

15 A. That is right.

16 Q. Okay. And in addition being peer reviewed before
17 publication, your book is really a resource, a secondary
18 source, as you mentioned. Right?

19 A. Correct.

20 Q. For other researchers in this area.

21 A. I hope so.

22 Q. Would you agree with me?

23 A. I would hope so.

24 Q. And one of the things that happens when you write a work
25 such as yours is that people even after publication will

1 review that work. Is that right?

2 A. Yes.

3 Q. Okay.

4 A. Though that is not peer review.

5 Q. I understand. Peer review happens before publication.
6 Right?

7 A. Yes, by senior academics who know something about the
8 issue at hand.

9 Q. Okay. And then post publication other academics,
10 researchers, will review your work. Right?

11 A. Sometimes. Usually it is journalists, but --

12 Q. Sometimes it is other academics. And when they do, what
13 they are doing is trying to review your work to determine
14 whether they believe that other academics should rely on it.
15 Right?

16 A. Sometimes. More often it is, you know, in a book review
17 to recommend whether or not it is something worth reading.

18 Q. Okay. Well, a journalist might recommend whether it is
19 something worth reading. You would expect another academic to
20 be talking about whether your methodology is appropriate and
21 whether it should be used as a secondary source document.
22 Would you agree?

23 A. Yes.

24 Q. Okay. Now, in your case your book was reviewed post
25 publication by a senior research scholar at the Center for

1 Middle Eastern Studies at Harvard University. Is that right?

2 A. Yes.

3 Q. And her name is Sarah Roy. Right?

4 A. That is right.

5 Q. And Ms. Roy published a review of your book, and your
6 methodology particularly, in the Middle East Policy Council
7 Journal. Is that right?

8 A. After it was rejected from another journal it was
9 published there on the web as opposed to in the journal.

10 Q. It was published -- Let me ask it again. It was
11 published in the Middle East Policy Council Journal. Right?

12 A. Okay.

13 Q. Her review was published in the Middle East Policy
14 Council Journal. Right?

15 A. I know it was published on their website. I don't know
16 if it was published elsewhere.

17 Q. Okay. And in that review she criticizes your research
18 methodology and says that your evidence "...is more often than
19 not based on assumption, extrapolation, and generalization."
20 Is that right?

21 A. That is right. And in part because of her baseless
22 findings, it was rejected from the first journal she applied
23 to.

24 Q. Doctor Levitt, stay with me here. Okay? A senior
25 researcher for Harvard, Ms. Sarah Roy -- Senior research

1 scholar at the Center for Middle Eastern Studies, Harvard
2 University. Right?

3 A. Yes.

4 Q. That is who she is.

5 A. Right.

6 Q. Right?

7 A. Still.

8 Q. And she reviewed your book for the Middle East Policy
9 Council Journal. Right?

10 A. Their website.

11 Q. Okay. And in her review she says your research, your
12 evidence is more often than not based on --

13 MR. JONAS: Your Honor, this is hearsay. I am going
14 to object. She is reading something written by a document
15 that is not in evidence.

16 MS. CADEDDU: This goes to the reliability of his
17 assumptions and conclusions. This is how researchers
18 determine whether to rely on his book.

19 THE COURT: I understand that, but the objection is
20 hearsay.

21 MS. CADEDDU: Well, Your Honor, I don't believe it
22 is hearsay. I am not -- I want -- It is not offered for the
23 truth. It is offered for his how he addresses critiques of
24 his work and whether his work is in fact -- whether he
25 incorporates that, whether those critiques make other

1 researchers rely on his work.

2 I don't believe it is hearsay, and I do believe that it
3 is relevant to whether -- I mean, he is saying his work is the
4 gold standard, and here we have other academics saying it is
5 absolutely not the gold standard. I think it is impeachment.

6 MR. JONAS: Your Honor, it is being offered for the
7 truth. It is not being offered to question his methodology.
8 It is being offered to get in a comment from another person
9 who is not testifying in this courtroom.

10 MS. CADEDDU: He has testified, Your Honor --

11 THE COURT: I know what he testified to. I don't
12 need to be hearing a lot of argument that gets in a lot of
13 what I am trying to decide what gets in or not. Okay?

14 MS. CADEDDU: Okay.

15 THE COURT: Let's go ahead and break for the day.
16 We will come back in the morning at 9:00.

17 Please recall the instructions we have discussed about
18 not discussing the case with anyone and don't let anyone talk
19 to you about the case. See you back in the morning.

20 (Whereupon, the jury left the courtroom.)

21 THE COURT: Go ahead and have a seat. Be seated.

22 And Ms. Cadeddu, you are trying to get into what this
23 other researcher stated about his book, her critique.

24 MS. CADEDDU: The reviewer's critique of his
25 methodology.

1 THE COURT: And the objection is hearsay?

2 MR. JONAS: Yes, sir. She is quoting from the
3 review.

4 THE COURT: And why is that not hearsay, you think?
5 You are making a relevance argument. Why is that not hearsay?

6 MS. CADEDDU: I would like Mr. Cline to help me out.

7 THE COURT: Maybe you can help me out, too.

8 MR. CLINE: I agree with what Ms. Cadeddu said. It
9 is not being offered for its truth. First of all, it is not
10 being offered at all. It is in the form of a question
11 directed to Doctor Levitt basically --

12 THE COURT: But the question assumes that
13 information was given and written, and she is going to ask him
14 to affirm that that in fact was written.

15 MR. CLINE: I think what she is asking him to do is
16 to comment upon the critique. I am sure he will strongly
17 disagree with some aspect of it.

18 THE COURT: That is not where I am going. I am
19 trying to understand why it is not hearsay.

20 MR. CLINE: Because it is not being offered for its
21 truth. In other words, if Ms. Cadeddu were to get up, or
22 let's say she had the review and wanted to place it into
23 evidence as a critique that the jury should rely upon of what
24 Doctor --

25 THE COURT: That is what she is doing. She is

1 asking the question instead of putting it in evidence, isn't
2 she?

3 MR. CLINE: I don't think so, because she is saying,
4 "Doctor Levitt, here is a criticism that has been made of your
5 work. Here it is. What is your response to the criticism."
6 It is not coming into evidence. What is in evidence is his
7 commentary on a critique directed by the reliability of his
8 work. That is the evidence and the only evidence, and I think
9 that is a perfectly appropriate thing.

10 Here we have an expert, accepted as an expert. The
11 Government has relied on him. We, of course, are challenging
12 some aspects of his testimony. And I think that is a fair
13 challenge to the reliability of his testimony. He will agree
14 -- maybe he will agree with something, maybe he will disagree,
15 but the evidence is what he says about a critique directed at
16 his work. And I don't believe it is hearsay. I think it is
17 offered for a non-hearsay purpose.

18 MR. WESTFALL: If I may add one thing. The thing to
19 remember, and that wasn't really said, is that this book is
20 his thesis. This book is basically what he testified over the
21 last day and a half, so, you know, for an expert the way
22 you -- It is impeaching an expert, which is a little bit
23 slightly different than if you just read something to somebody
24 off the street. But this is his expert opinion being
25 impeached.

1 MS. CADEDDU: And what I am concerned about, Judge,
2 is that Doctor Levitt said that his methodology is the gold
3 standard, and so he leaves the jury with the impression
4 that --

5 THE COURT: As I understand it, you are bringing in
6 the witness to testify, and so the issue is hearsay. You are
7 -- Those go to relevancy arguments that you are making. I am
8 still trying to understand whether it is hearsay. If you are
9 going to have the witness live here and she is going to give
10 the same --

11 MS. CADEDDU: But he knows it is not the gold
12 standard. He says it is the gold standard. Everybody doesn't
13 say it is the gold standard. It is impeachment.

14 MR. CLINE: Back to the hearsay point, and I
15 understand -- I know it is a sticking point for you, counsel's
16 questions are not evidence. And that is what the jury is
17 instructed on, that we all assume that leading questions
18 regularly include assertions that the witness then disagrees
19 with. The question is never the evidence. It is the answer
20 from the witness stand that is the evidence.

21 Some of these critiques it is possible, I know hope
22 springs eternal, it is possible Doctor Levitt will agree with
23 these. Most he will dismiss. I think the jury is entitled to
24 see that.

25 THE COURT: That may be, but that still gets back to

1 the relevancy issue. I am still trying to get deal with the
2 hearsay.

3 MR. CLINE: I am sorry. I got a little off point
4 here. My point is the substance of a critique is not being
5 offered into evidence at all, to the extent it comes into
6 evidence as a part of his response to it. It is not being
7 offered for its truth. It is being offered as a predicate for
8 his response to a critique.

9 THE COURT: Okay. Mr. Jonas, one last thought?

10 MR. JONAS: Let's face facts. The way the
11 questioning is going, it is not, "Doctor Levitt, what is your
12 reaction to this?" He tried to give a reaction and Ms.
13 Cadeddu cut him off. It is going to be her reading a quote
14 and saying, "Isn't it a fact this woman said this about you?"
15 And once he says, "Yes, it is a fact she said this," then it
16 becomes adopted by him and it is no longer hearsay, and that
17 is the problem with it.

18 Bring Sarah Roy in, let's her get on the stand and
19 criticize him, and then we can cross examine her.

20 MR. CLINE: I know you said it was the last, but if
21 the form of the question is the way Mr. Jonas said, "Isn't it
22 a fact that she said this," that might be a subject of a
23 hearsay objection. What I understood Ms. Cadeddu to be saying
24 is, "What do you say about this critique?" And I think in
25 that form I think the questioning, it is -- to the extent the

1 critique is coming in at all, it is for a non-hearsay purpose.

2 THE COURT: Let me give that some thought. I will
3 give you a ruling in the morning.

4 Anything else we need to address?

5 MR. JONAS: One thing, your Honor. The parties have
6 signed this stipulation regarding a wide volume of material,
7 and I would like to make it a court exhibit.

8 THE COURT: Sure.

9 MR. JONAS: I don't have a court sticker, if I could
10 just bring it up.

11 THE COURT: That is fine.

12 MS. HOLLANDER: So we keep track of them, this is
13 the one thing we didn't keep track of very well, this will be
14 Court Exhibit No. 1? Is that what it will be.

15 MR. JONAS: That is fine.

16 MS. HOLLANDER: There is not any other -- Is it a
17 No. 1 or an A?

18 THE COURT: No. 1. It doesn't matter what you want
19 to call it. It is your exhibit.

20 MS. HOLLANDER: Court Exhibit No. 1.

21 THE COURT: All right. Court Exhibit No. 1, then, a
22 stipulation.

23 MR. JACKS: May I respond to the last thing Mr.
24 Cline said? The way that Mr. Cline phrased it, "What do you
25 think about this?" If she changed the question to, "What do

1 you think about this critique," that assumes facts not in
2 evidence because the critique is not in evidence. So that
3 doesn't fix the problem either.

4 THE COURT: Okay. All right.

5 MR. CLINE: Leading questions assume facts in
6 evidence all the time. That is what a leading question is,
7 and that is why you instruct the jury --

8 THE COURT: But it is different when you are
9 attributing a quote to somebody than, "Isn't it true that you
10 saw this," or, "Isn't it true that X happened?" That is
11 different than, "Isn't it true that so and so said such and
12 such?" which is really where we are going here. She is asking
13 him about a quote, about a statement attributed to another
14 person. That is different than a lot of the leading
15 questions.

16 A lot of leading questions, if you are trying to get into
17 hearsay, I would suspect would be sustained, leading or not.
18 I mean, because you are on cross examination doesn't make
19 hearsay admissible. It has to be admissible on its own basis.
20 I am trying to understand what the basis is.

21 I will give it some thought. I understand the arguments,
22 and just because you are on cross and leading that is not an
23 exception to the hearsay rule.

24 MR. CLINE: I agree with that.

25 THE COURT: The objection is hearsay, so that is

1 what we have to deal with.

2 MR. CLINE: I just meant to say --

3 THE COURT: I don't have a problem with relevancy.
4 I understand it is relevant and goes to impeachment, but we
5 have a hearsay objection, and I am not quite understanding how
6 it gets around it. But I will give you a ruling in the
7 morning.

8 We will be in recess 9:00 in the morning.

9 (End of Day.)

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1 I HEREBY CERTIFY THAT THE FOREGOING IS A
2 CORRECT TRANSCRIPT FROM THE RECORD OF
3 PROCEEDINGS IN THE ABOVE-ENTITLED MATTER.
4 I FURTHER CERTIFY THAT THE TRANSCRIPT FEES
5 FORMAT COMPLY WITH THOSE PRESCRIBED BY THE
6 COURT AND THE JUDICIAL CONFERENCE OF THE
7 UNITED STATES.

8
9 S/Shawn McRoberts

10/18/2008

10 _____DATE_____
11 SHAWN McROBERTS, RMR, CRR
12 FEDERAL OFFICIAL COURT REPORTER
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